

CHAPTER 1 | INTRODUCTORY PROVISIONS

SECTION 1.01 | TITLE

This Resolution shall be officially known and cited as the "2026 Mesa County Land Development Code," although it is referred to throughout this Resolution as the "Land Development Code" or "LDC."

SECTION 1.02 | AUTHORITY

This Land Development Code is adopted pursuant to the powers and authority conferred by the laws of the State of Colorado, including, but not limited to, the following Sections of C.R.S.: Article 28 of Title 30 (County Planning, Zoning, Subdivision); Article 65.1 of Title 24 (Areas of State Interest); Article 67 of Title 24 (Planned Unit Development); Article 68 of Title 24 (Vested Rights); Article 20 of Title 29 (Local Government and Land Use Control Enabling Act); and Articles 11 and 28 of Title 30.

SECTION 1.03 | APPLICABILITY AND JURISDICTION

The provisions of this Land Development Code apply to all development including but not limited to; buildings, structures, improvements, and uses of land throughout unincorporated Mesa County, to the extent allowed by law. It does not apply to land within the territorial limits of any incorporated municipality.

SECTION 1.04 | REPEALS AND ENACTMENT

- A. All resolutions, or portions thereof, of the Mesa County Board of County Commissioners, relating to zoning, subdivisions, community plans and/or land use inconsistent herewith are hereby repealed to the extent of such inconsistency.
- B. The repeal of any resolution, regulation, or ordinance does not revive any other resolution, regulation or ordinance or portions thereof repealed by said resolution, regulation, or ordinance.
- C. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any resolution hereby, for an offense committed prior to the repeal.

SECTION 1.05 | PURPOSE

This Land Development Code is adopted for the purpose of preserving and improving the public health, safety, and general welfare of the citizens and businesses of Mesa County. More specifically, it is the purpose of this Land Development Code to:

- ~~A. Implement the purposes, goals, and policies of the Mesa County Master Plan;~~
- ~~B.A.~~ Promote timely, predictable, consistent, and efficient land development processes for residents, neighborhoods, businesses, ~~and~~ agricultural and development interests;
- ~~C.B.~~ Provide appropriate opportunities for participation and involvement in the development process by all affected parties;
- ~~D.C.~~ Promote development that is consistent and compatible with that of the municipalities within Mesa County within the joint municipal planning areas; and
- ~~E.D.~~ Be fair to all by giving due consideration to protecting private property rights, the rights of individuals, and the interests of the community as a whole. In instances where an application to develop does not meet all applicable criteria of this LDC, and unique or special circumstances exist which would warrant the approval of the application to develop, and provided the proposed development: (a) poses no threat to health or safety; (b) provides for the mitigation of impacts to the maximum extent reasonable; and (c) is generally consistent and compatible with the allowed uses in the applicable Zoning District, the application to develop may be approved.

SECTION 1.06 | RIGHT TO FARM AND RANCH POLICY

In addition to the purposes set out in Section 1.05, Mesa County has established, by resolution, a "Right to Farm and

Commented [GM1]: CRS § 30-28-106 (3)(a)

"The master plan of a county or region is an advisory document to guide land development decisions; however, the master plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate."

A. Pre-Application Meeting

A Pre-Application Meeting is generally recommended but optional and intended to inform the applicant of applicable procedures, submittal requirements, development standards, alternatives, and other pertinent matters, before the applicant finalizes the development proposal.

1. ~~Application forms and~~ checklist will be made available during Pre-Application Meetings. If additional information is presented or the request is found to be more complex than originally presented, a new checklist will be prepared and delivered to the applicant within three (3) working days of the meeting.
2. Staff opinions presented during Pre-Application Meetings are informational only and do not represent a commitment on behalf of Mesa County regarding the acceptability of the development proposal.

B. Application Submittal

1. Form of Application

Applications required under this Chapter ~~must~~ shall be submitted ~~through the Customer Portal or if the applicant is unable to access the Customer Portal,~~ in a form prepared by the Director.

2. Application Filing Fees

Applications must be accompanied by the fee that has been established by the Board of County Commissioners. Fees are not required with applications initiated by the Board of County Commissioners, Board of Adjustment, Planning Commission, or County agencies. Application fees may be refundable at the discretion of the Director.

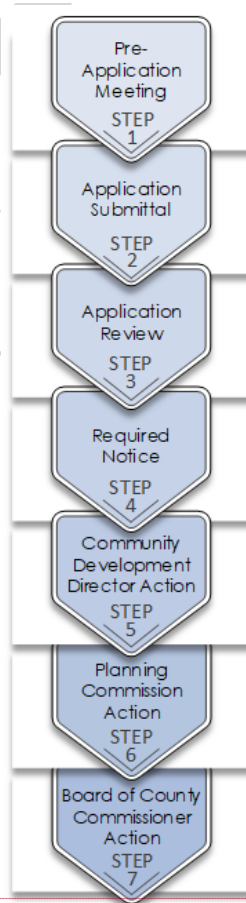
3. Application Completeness

An application will be considered complete if it is submitted ~~in the required form; includes with~~ all ~~mandatory necessary~~ information ~~required at the time of submittal;~~ and is accompanied by the applicable fee. A determination of application completeness shall be made within ten (10) working days of application filing. If an application is determined to be incomplete, written notice shall be provided to the applicant, along with an explanation of the application's deficiencies. If the deficiencies are not corrected by the applicant within thirty (30) days, the application may be considered withdrawn.

C. Application Review

In conducting required reviews, the Director shall comply with those referral requirements set forth in C.R.S. §30-28-136.1(1)(c), and shall be authorized to distribute the application and other submittals to County departments and other agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. ~~Comments received from reviewers shall be included in a report which shall be delivered to the applicant.~~

Figure 3-1: General Summary of Common Review Procedures



Commented [WU8]: This is no longer required as the applicant works directly with the review agency through the County's application software.

D. Required Notice

Notice shall be required for applications as shown in Table 3-2 below unless otherwise expressly provided in state statutes or this LDC:

TABLE 3-23-2: NOTICE REQUIREMENTS				
<i>*Unless otherwise required by statute, notice for Board of County Commissioner hearings shall be (two) 2 days.</i>				
Procedure	Type of Notice Required			Timing (number of calendar days before hearing) final action Planning Commission!
	Published!	Posted	Mailed	
Conditional Use Permits	✓	✓	✓	15
Extinguishment of Public Utility Easement	✓	✓	✓	15
Historic Landmarks	✓	✓	✓	15
Land Development Code Amendments	✓			15
Land Divisions				
Minor Subdivisions	✓	✓	✓	15
Rural Land Divisions	✓	✓	✓	15
Agricultural Divisions	✓	✓	✓	15
Physical & Legal Separations	✓	✓	✓	15
<u>Location and Extent</u>	<u>✓</u>		<u>✓</u>	<u>15</u>
Major Subdivision				
Concept Plan				
Final Plan	✓	✓	✓	15
Final Plat				
Master Plan				
Text Amendment	✓			15
Map Amendment	✓	✓	✓	15
Planned Unit Developments				
Outline Development Plan/Rezoning	✓	✓	✓	15
Final Plan	✓	✓	✓	15
Final Plat				
Property Line Adjustments	✓	✓	✓	15
Rezones	✓	✓	✓	15
Site Plans		✓	✓	15
Vacations (ROW/Access)	✓	✓	✓	15
Variances				
Administrative Adjustments	✓	✓	✓	15
Zoning Variances	✓	✓	✓	15
Floodplain Variances	✓	✓	✓	15
Stormwater Variance	✓	✓	✓	15

**Unless otherwise required by statute, notice for Board of County Commissioner hearings shall be 15 (two) 2 days.*

law.

E. Standing to Appeal

Any appeals to actions taken under this LDC may only be made to the Colorado Courts as allowed by Colorado law. The standing of any party to pursue such an appeal is only to the extent allowed by Colorado law.

Any other appeal contemplated in this LDC, besides those filed in Colorado Court proceedings, standing may only exist to those persons who are "Parties of Record," who shall be deemed to include the following:

1. The applicant;
2. The property owner or holder of any interest or easement in the subject property; or
3. Any person who submitted written comments on the application before final action was taken (excluding persons who have only signed petitions or form letters).

SECTION 3.06 | BURDEN OF PROOF OR PERSUASION

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have been met.

SECTION 3.07 | SIMULTANEOUS PROCESSING

Whenever two (2) or more forms of review are required, the Director may allow the applications to be processed simultaneously.

SECTION 3.08 | COMPLIANCE WITH MINERAL AND ENERGY RESOURCES MASTER PLAN

In any area containing a known commercial mineral deposit, no authorization, in any form, shall be given which would interfere with the present or future extraction of such deposit. Certain uses may be authorized, but only if said use does not permit erection of permanent structures upon, or otherwise permanently preclude, the extraction of commercial mineral deposits from, land subject to said use.

Nothing in this section shall be construed to prohibit: (a) the Board of County Commissioners from zoning for agricultural use, only, land not otherwise zoned on July 1, 1973; (b) a use of zoned land permissible under the zoning governing such land on July 1, 1973; and (c) the Board of County Commissioners from acquiring property known to contain a commercial mineral deposit and using said property for a public purpose; except that such use shall not permit erection of permanent structures which would preclude permanently the extraction of commercial mineral deposits.

SECTION 3.09 | GENERAL APPROVAL CRITERIA

In addition to specific approval criteria listed for each type of development review process, the Decision-Making Body shall consider if the proposal:

- A. Complies with all applicable standards, provisions, and the Purpose ([Section 1.05](#)) of this LDC;
- B. Is consistent with review agency comments; and
- C. Is consistent with applicable intergovernmental agreements between the County and other entities.

CHAPTER 4 | ZONING AND DEVELOPMENT PROCEDURES

SECTION 4.01 | ADMINISTRATIVE ADJUSTMENT

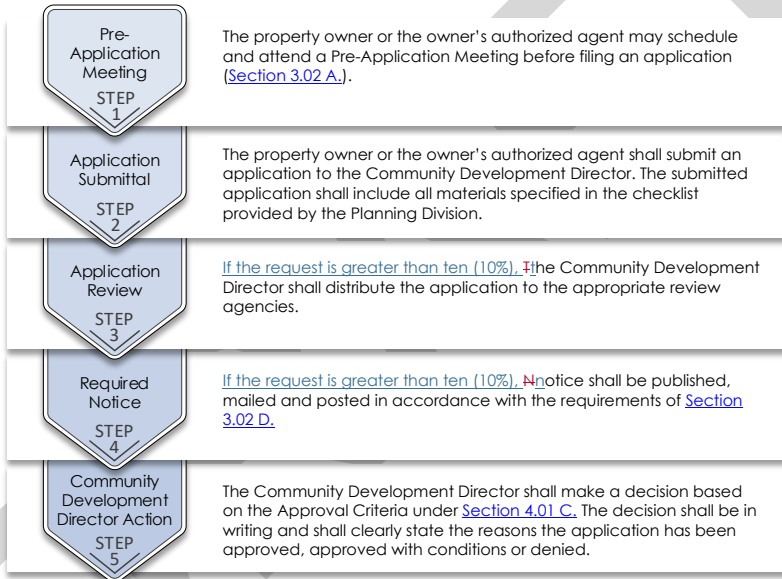
A. Applicability

This section sets out the required review and approval procedures for Administrative Adjustments, which are modifications of ~~up to~~ fifty (50) percent ~~or less~~ of any dimensional standard set out in [Chapter 5](#) and [Chapter 7](#), except those related to building height, residential density, or nonresidential intensity. Any other proposed modification, or any request the Director determines should be reviewed by the Board of Adjustment, shall be processed as a Zoning Variance as outlined under ~~Section 4.22~~ [Section 4.23](#).

B. Procedure

Figure 4-1 identifies the application steps which apply to the review of Administrative Adjustment applications. Additions or modifications to the general review procedures are noted below.

Figure 4-1: Summary of the Administrative Adjustment Procedure



C. Approval Criteria

In evaluating the proposed request, ~~all of the following criteria must be met~~ the following shall be considered:

1. The request will have no significant adverse impact on the health, safety or general welfare of the surrounding properties or the general public, or any adverse impacts will be mitigated to the maximum extent practical;
2. There are special circumstances or conditions that are peculiar to the land or building for which the request is sought that do not apply generally to land or buildings in the area;
3. The strict application of the provisions of this LDC would result in peculiar and practical difficulties in the use of the land or building; and
4. The request is the minimum necessary to relieve the applicant of the peculiar and practical difficulties in the use of the land or building.

Commented [GM12]: Language follows other approval criteria statements

D. Appeals

Appeals of decisions of the Director may be taken to the Board of County Adjustment in accordance with the procedures of [Section 4.02](#).

SECTION 4.02 | APPEALS OF ADMINISTRATIVE DECISIONS**A. Applicability**

1. Board of Adjustment

Unless otherwise specifically provided in this LDC, the Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of the zoning requirements of this LDC in [Chapters 5](#) and [Chapter 7](#).

2. Floodplain Board of Appeals

The Floodplain Board of Appeals shall hear and decide appeals of decisions of Floodplain Administrator regarding interpretation of floodplain boundaries, issuance or denial of Floodplain Development Permits, conditions attached to Floodplain Development Permits, or any other provision of the Floodplain Regulations of [Section 8.14](#) [Section 8.13](#).

3. Board of County Commissioners

Unless otherwise specifically provided in this LDC, the Board of County Commissioners shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the administration or enforcement of this LDC, except as specifically provided for above in subsections 1. and 2.

B. Application Filing

Those individuals allowed to file an appeal may submit an application for an Appeal of Administrative Decisions to the Director.

C. Timing

Appeals of Administrative Decisions must be filed within thirty (30) days of the date of the decision or action being appealed.

D. Effect of Filing

Once a complete application for appeal has been received by the Director, no other development approvals or permits will be issued for the subject property, unless the official whose decision is being appealed certifies that such a hold on permits and approvals would cause immediate peril to life or property. If such a certification is made, development approvals and permits may be issued for the subject property, unless a stop work order is issued by the Board of County Commissioners, Board of Adjustment, or the Floodplain Board of Appeals, or a restraining order is issued by a court.

E. Required Notice

Notice shall be published, mailed, and posted, in accordance with the requirements of [Section 3.02 D](#).

F. Record of Administrative Decision

Before the public hearing, the official whose decision is being appealed shall transmit to the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals all documents constituting the record of the decision being appealed.

G. Review and Action

The Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall hold a public hearing of a complete application and take action on the appeal.

1. Appeal Powers

In exercising the appeal power, the Board of County Commissioners, Board of Adjustment, or

Floodplain Board of Appeals shall have all the powers of the official from whom the appeal is taken, and they may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

2. Consideration of Evidence

In considering a request for appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except County staff may be asked to interpret materials contained in the record.

3. Burden of Persuasion or Error

In acting on the appeal, the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals shall grant to the administrative official's decision a presumption of correctness; the burden of persuasion of error shall be on the appellant.

H. Approval Criteria

An appeal shall be sustained only if the Board of County Commissioners, Board of Adjustment, or Floodplain Board of Appeals finds that the administrative official erred.

I. Appeals

Appeals of decisions of the Board of County Commissioners, Board of Adjustments or Floodplain Board of Appeals shall be made to the courts, as provided by law.

SECTION 4.03 | CONDITIONAL USE PERMITS

A. Applicability

This section sets out the required review and approval procedures for a Conditional Use Permit. A Conditional Use Permit shall be required prior to the establishment of any conditional use identified in [Table 6-1](#).

B. Procedure

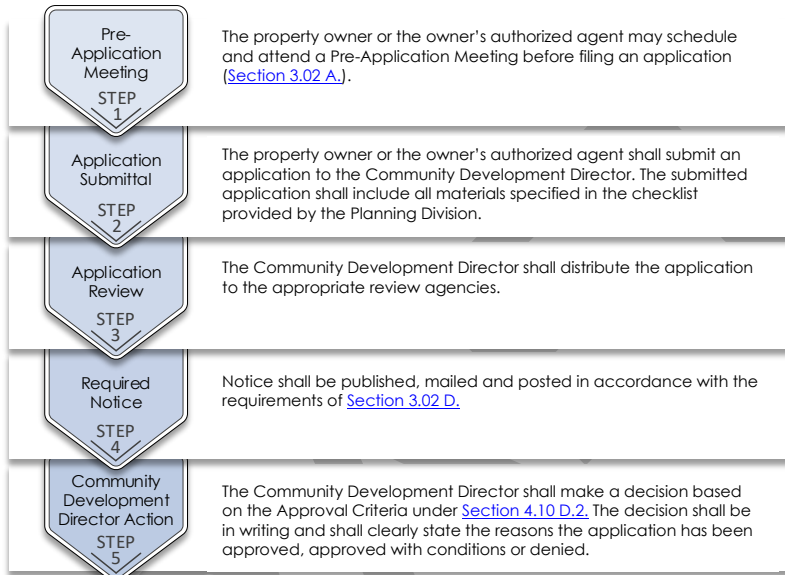
Figure 4-2 identifies the application steps which apply to the review of Conditional Use Permit applications. Additions or modifications to the general review procedures are noted below.

E. Minor Subdivisions

1. Procedure

Figure 4-9 identifies the application steps which apply to the review of Minor Subdivision applications. Additions or modifications to the general review procedures are noted below.

Figure 4-9: Summary of the Minor Subdivision Procedure



2. Approval Criteria

In evaluating the proposed request, all of the following criteria shall be considered:

- a. No more than six (6) platted lots are allowed;
- b. Complies with applicable development standards of [Chapter 5](#) and [Chapter 8](#).
 - (1) For properties in the AFT zoning district, the density standards of [Section 7.02](#) of this LDC shall apply.
 - (2) Density Bonus Subdivisions, as permitted in [Section 7.02 C.](#), shall not be eligible for Minor Subdivision; and
 - (3) Minimum lot frontage is not required if legal and approved access to a public road for all parcels or lots resulting from the Minor Subdivision is provided.

3. Appeal

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of [Section 4.02](#).

F. Major Subdivisions

1. Eligibility

All land divisions that do not qualify for an Agricultural Land Divisions, Minor Subdivisions, Physical and Legal Separations, Rural Land Divisions, Subdivision for Public Purpose and thirty-five (35) Acre Parcels Created by Plat. The procedures of this [Section 4.10 E.](#) shall not apply to those exceptions provided for in C.R.S. §30-28-101(10).

C. Approval Criteria

In evaluating the proposed request, the General Approval Criteria under [Section 3.09](#), the stated purpose of the proposed zoning district and the following shall be considered:

1. The rezoning is consistent with the Mesa County Master Plan;
2. The land to be rezoned was previously zoned in error or conditions have changed so that the rezoning is consistent with the Mesa County Master Plan; and
3. Public facilities and services are or can be made adequate to serve the types and scope of land uses allowed in the proposed zoning district.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

Section 4.16 | SECTION 4.17 | SITE PLANS

A. Applicability

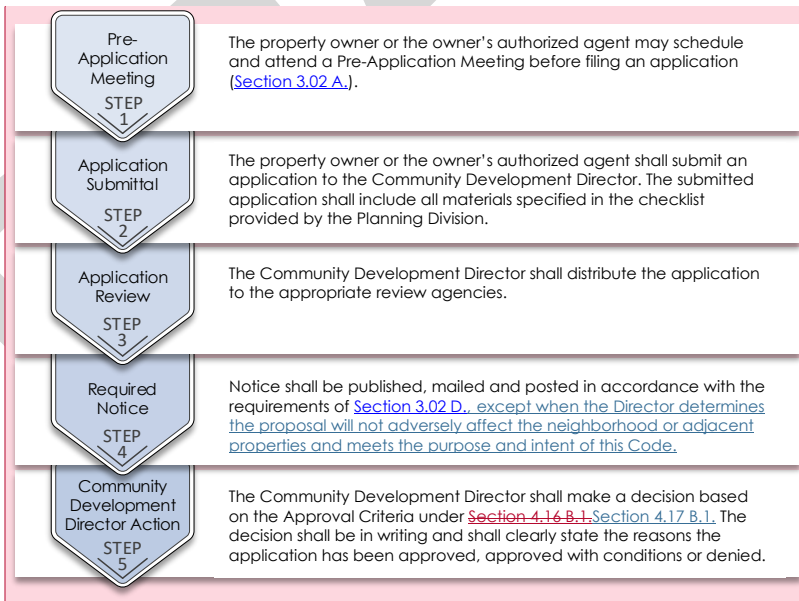
Site Plan approval, in accordance with the procedures of this section, shall be required before issuance of a building permit for any of the following:

1. Any non-residential development;
2. Any residential or agricultural development (except as described under [Section 4.16 C.](#));
3. ~~Any temporary use.~~

B. Procedure

Figure 4-23 identifies the application steps which apply to the review of Site Plan applications. Additions or modifications to the general review procedures are noted below.

Figure 4-23: Summary of the Site Plan Procedure



Commented [GM22]: A Temporary Use is already defined under Section 6.05.

Commented [GM23]: The added language codifies the historic use of "short forms" site plans. The short form has been used to approve those site plans that do not adversely affect neighborhoods or adjoining properties.

1. Approval Criteria
 - a. In evaluating the proposal, the request shall comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to:
 - (1) The Use Regulations in [Chapter 6](#);
 - (2) Density and Dimensional Standards in [Chapter 5](#); and
 - (3) Development Standards in [Chapter 8](#).

2. Lapse of Approval

The right to develop in accordance with an approved Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within three (3) years of the date of Site Plan approval.

C. Residential/Agricultural Site Plans

Residential/Agricultural Site Plans are applications for development of new single-family detached, duplex or agricultural land uses. Accessory buildings with a footprint of less than two hundred (200) square feet shall not require a Residential/Agricultural Site Plan approval.

1. Review and action

The Director shall review each application for Residential/Agricultural Site Plan approval, and act to approve, approve with conditions, or deny the application based on the Approval Criteria of [Section 4.16 C.3](#) [Section 4.17 C.3](#).

2. Notice

No notice of the application for Residential/Agricultural Site Plan is required.

3. Approval criteria

The Director shall approve a Residential/Agricultural Site Plan application if the Director determines that the proposed development will comply with any conditions of approval and all applicable requirements of this LDC, including, but not limited to, the Use Regulations in [Chapter 6](#), Density And Dimensional Standards in [Chapter 5](#), the ~~Read Access Policy~~ [Mesa County Design Standards](#) and Development Standards in [Chapter 8](#).

4. Lapse of approval

The right to develop in accordance with an approved Residential/Agricultural Site Plan shall lapse and be of no further effect if all development shown on the approved Site Plan is not complete within the time frame required to complete construction according to a valid building permit.

Section 4.17 | SECTION 4.18 | CONSTRUCTION STORMWATER CONSTRUCTION PERMIT

A. Applicability

This section sets out the required review and approval procedures for [Construction Stormwater Construction](#) Permits.

B. Procedure

Figure 4-24 identifies the application steps which apply to the review of [Construction Stormwater Construction](#) Permit applications. Additions or modifications to the general review procedures are noted below.

Commented [WU24]: The following amendments are proposed by Public Works.

C. Approval Criteria

1. Rights-of-way Vacations
 - a. In evaluating the proposal, the request shall not:
 - (1) Create any landlocked parcels or restrict access to any parcel so that access is unreasonable or economically prohibitive;
 - (2) Negatively impact adjacent properties;
 - (3) Reduce the quality of public services to any parcel of land or negatively affect utility access or utility distribution networks;
 - (4) Be inconsistent with any adopted transportation plan;
 - (5) Affect the historic movement of livestock; or
 - (6) Create a circuitous alternate route for area residents or other members of the public;
 - b. A vacation of a rights-of-way may be approved on a Subdivision Plat as long as the above criteria are met, and:
 - (1) The rights-of-way being vacated is entirely within the plat being created; and
 - (2) Existing utilities are accommodated with sufficient easements.
2. Street Renaming

In evaluating a proposal to rename a street, all of the following criteria must be met:

 - a. The proposed new name for the street is not similar to the name of an existing street in the County or any town or city in the County that it would create public confusion as to the location of the street; and
 - b. The proposed renaming will not otherwise create any continuing confusion to drivers, public safety personnel, or area residents as to the location of the street.

D. Appeals

Appeals of decisions of the Board of County Commissioners shall be made to the courts, as provided by law.

Section 4.21 | SECTION 4.22 | WRITTEN INTERPRETATIONS

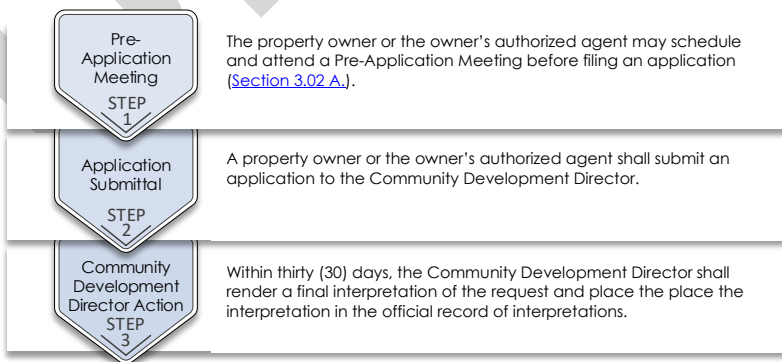
A. Applicability

When clarification is requested, the Director shall be authorized to make written interpretations concerning any section of this LDC.

B. Procedure

Figure 4-27 identifies the application steps which apply to the review of a request for Written Interpretation. Additions or modifications to the general review procedures are noted below.

Figure 4-27: Summary of the Written Interpretation Procedure



C. Appeals

Appeals of decisions of the Director may be taken to the Board of County Commissioners in accordance with the procedures of [Section 4.02](#).

Section 4.22 | SECTION 4.23 | ZONING VARIANCES

A. Applicability

1. The Board of Adjustment is authorized to grant variances from the dimensional standards, ~~and the off-street parking and loading standards,~~ [use-specific standards, overlay district regulations, landscape standards and sign regulations](#) of this LDC.
2. No variance shall be granted which is a use variance and has the practical effect of rezoning property to a higher intensity of use than the district in which the property is located.

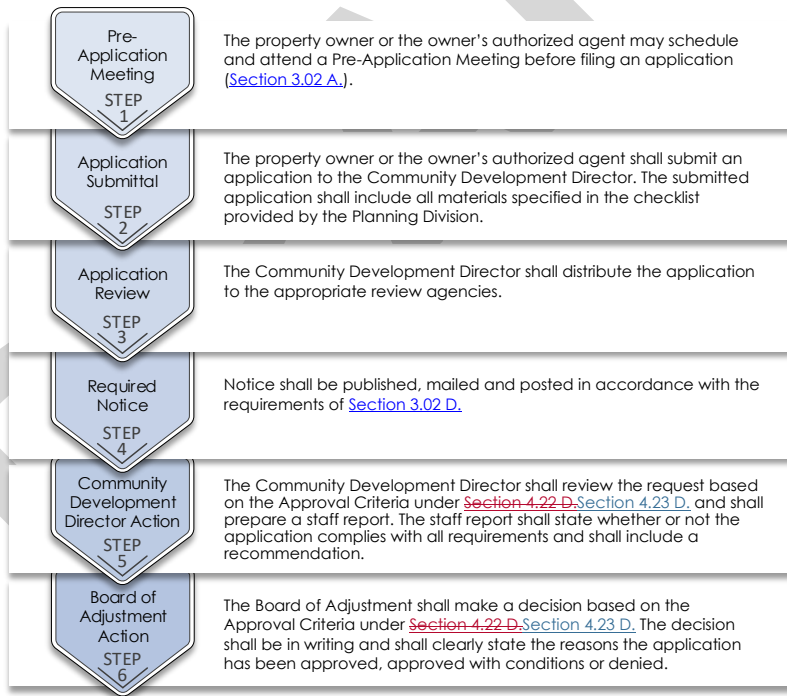
B. Use Variances Prohibited

No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

C. Procedure

Figure 4-28 identifies the application steps which apply to the review of Zoning Variance applications. Additions or modifications to the general review procedures are noted below.

Figure 4-28: Summary of the Zoning Variance



D. Approval Criteria

In evaluating the proposed request, all of the following criteria must be met:

1. The requested Variance is consistent with the Purposes set out in [Section 3.09](#) of this LDC;

CHAPTER 5 | ZONING DISTRICTS

This chapter establishes Mesa County zoning districts and contains statements of purpose, density and dimensional standards, each of the district's future land use classification compatibility and overlay standards. The Consolidated Zoning District Map and the Master Plan Future Land Use Plan Map are maintained in the Community Development Department of Mesa County.

SECTION 5.01 | RURAL ZONING DISTRICTS

The following Districts shall be known as Rural Zoning Districts. These districts are generally appropriate for application in the Rural Planning Area agricultural activities, low-density residential and designated commercial uses that are similar to agricultural activities while maintaining the rural character of the area.

A. Agricultural and Forestry District (AF-35)

The Agricultural and Forestry District is primarily intended to provide for the protection and continuation of agriculture and forestry operations, and the preservation of environmentally sensitive lands, while allowing very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AF-35	1/35 Acres	n/a	35 Acres	500'	20	50/55	50/50	50/50	n/a	n/a	35

B. Agricultural, Forestry, Transitional District (AFT)

The Agricultural, Forestry, Transitional District is primarily intended to accommodate agricultural operations and very low-density single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory ⁴			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
AFT	Section 7.02		130'		20	50/50 (20/25 for properties adjoining local roads)	10/10	30/10	n/a	n/a	35

Section 5.02 | SECTION 1.01 | URBAN RESIDENTIAL ZONING DISTRICTS

The following Districts shall be known as Urban Residential Zoning Districts. These districts are generally appropriate for application in the Urban Development Boundary of the Grand Junction Comprehensive Plan, in Rural Communities, and near municipalities.

A.C. Residential Single Family - Rural District (RSF-R)

The Residential Single Family - Rural District is primarily intended to accommodate low-intensity agricultural operations and very low-density single-family uses on large parcels. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory ⁴			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area	Width		Street	Side	Rear			
RSF-R	1 ⁴ per 5 Acres	n/a	5 Acres	150'	50'	50/50 (20/25 for properties adjoining local road)	10/10	30/10	n/a	n/a	35

B.D. Residential Single Family - Estate District (RSF-E)

The Residential Single Family - Estate District is primarily intended to accommodate low-density, estate-type, single-family residential development.

Zoning District	Density (units per acre)		Minimum Lot Size (net)		Minimum Street Frontage (feet)	Minimum Setbacks (feet) Principal/Accessory ⁴			Maximum Lot Coverage	Maximum Building Size (square feet)	Maximum Height (feet)
	Max	Min	Area ²	Width		Street	Side	Rear			
RSF-E	Section 7.03	n/a	1 ¹ Acre ² Section 8.10	100'	50'	20/25	15/5	25/10	25%	n/a	35

Commented [WU25]: The RSF-R, RSF-E and URR are proposed to be included with the AF-35 and AFT as Rural Zoning Districts. Each of these zones have a minimum density of 1 acres or greater.

Commented [GM26]: Look at OWTS standards

Urban Residential Zoning District.

B. Agricultural Labor Housing

Agricultural Labor Housing in Rural Zoning Districts shall be exempt from the zoning district density standards. Maximum density of Agricultural Labor Housing shall be based on the Mesa County Health Department standards and occupancy requirements of the Mesa County Building Department.

C. Bed and Breakfast

Bed and breakfast uses shall be subject to the following standards:

- ~~1. Structures shall maintain a residential appearance.~~
- 2.1. A minimum of one (1) parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with [Section 8.01](#). Additional parking shall be required if reception or party space is available. If four (4) or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
- ~~3.2.~~ One (1) sign shall be allowed, with a size limit of six (6) square feet. Internally illuminated signs are not allowed.
- 4.3. Receptions, private parties, or similar activities shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application.
- 5.4. The maximum length of stay shall be thirty (30) days.
- ~~6.5.~~ All guest rooms shall be located within the principal structure, ~~except for properties located within Rural Zoning Districts.~~
- 7.6. Meals served to the general public shall only be permitted when approved as part of the Conditional Use Permit or Site Plan application. No cooking facilities shall be allowed in the guest rooms.
- ~~8.7.~~ All bed and breakfast establishments must comply with Mesa County Health Department regulations and Fire Code requirements.

Commented [WU54]: The County does not have a definition of "residential appearance".

Commented [WU55]: This is allowed under "Lodging - Resorts, Cabins, and Lodges" and is not a Bed and Breakfast.

D. Business Residence

Business residence uses within Nonresidential Zoning Districts shall be subject to the standards listed below:

- 1. The intent of the business residence provision is to allow ~~mixed use development to occur in Nonresidential Zoning Districts~~ [one single family dwelling unit on property where the principal use is nonresidential.](#)
- 2. A limit of fifty (50) percent of the building floor area may be developed as residential.
- 3. A minimum of two (2) off-street parking spaces shall be provided for each dwelling unit in addition to the required parking for the business(es).

Commented [WU56]: There is a difference between allowing one residential dwelling in commercial/industrial zones and mixed use developments. A business residence is one dwelling which is accessory to the commercial/industrial use of the property. Mixed use is a mix of residential units and commercial uses, both vertical and horizontal.

E. Campgrounds and Recreational Vehicle Parks

In addition to the requirements of the Colorado Department of Public Health and Environment (CDPHE) regulations for Campgrounds and Recreation Areas (6 CCR 1010-9), Campgrounds and Recreational Vehicle Parks shall be subject to the standards listed below:

- ~~1. No person shall stay in any campground more than one hundred eighty (180) days per calendar year. The Director on an individual basis may grant an extension for each user for an additional 90-day period. An extension shall be requested, in writing, by the owner or manager of the campground.~~
- 2.1. The site shall be staffed with a minimum of one (1) attendant, twenty-four (24) hours a day.
- ~~3. Separate camping areas shall be maintained for tents.~~
- 4.2. Each campsite shall have a minimum area of one thousand two hundred fifty (1,250) square feet and be at least twenty-five (25) feet in width.
- 5.3. There shall be no more than twenty-five (25) campsites per acre.
- 6.4. Campsites shall be spaced so that there is at least: eight (8) feet from the interior roadways and

Commented [WU57]: This requirement is too difficult to administer and prove.

Commented [WU58]: It is proposed that this is up to the campground and should not be a requirement.

2. Sanitary facilities shall be provided on site.
3. All items for sale shall be stored indoors (or within an approved screened storage area), or removed from the site at the close of each business day.
4. Flea markets shall not be open for business in excess of sixteen (16) hours per day.

J. Commercial Timber Harvesting and Large Construction Projects

1. Commercial Timber Harvesting

Commercial timber harvesting on private lands (five thousand (5,000) board feet per month or more) shall comply with all State Forest Service best management practices guidelines and the following restrictions in [Section 6.02 J.3.](#) below.

2. Large Construction Projects

Any project hauling four thousand five hundred (4,500) tons of material or more within a one (1) month time frame is subject to the restrictions in [Section 6.02 J.3.](#) below.

3. Restrictions

Restrictions on the use of County roads may be required by the Public Works Director in terms of size of vehicles; allowable hours and days of use; number of vehicles per given time period (i.e., hour, day, week, month), and other conditions necessary to protect the integrity and condition of county roads.

K. Group Living

Group living facilities shall be subject to the standards listed below:

1. Twenty-four (24) hour supervision shall be provided by qualified staff at all group living facilities.
2. The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed one (1) person per two hundred (200) square feet of living space.
3. The number of residents residing in a group living facility shall be as follows:
 - a. Small group living facility – a group living facility with ~~five (5) to nine (9)~~ **not more than eight (8)** residents.
 - b. Large group living facility – a group living facility with ~~ten (10) or more~~ **than eight (8)** residents.
4. All group living facilities should be located near or provide access to; grocery and other retail stores and commercial services, public transportation, medical and emergency services, and public recreation facilities.
5. Group living structures shall be compatible with the character of the surrounding neighborhood.
6. The proposed facility must obtain all state licenses as required pursuant to Colorado Statutes.
7. If located in a rural or urban residential zone district, the facility shall not be located within seven hundred fifty (750) feet of another such facility, measured by the shortest distance between property lines of each facility.

Commented [GM59]: The proposed amendments bring the County's definition of group living into conformity with the State's definition

L. Hazardous Material Facility

No hazardous material facility shall be located:

1. Further than one-quarter (1/4) mile from the nearest right-of-way line of US Interstate Highway 70 or US Highways 6 or 50; or
2. Where the most direct driving route from the hazardous material facility to the nearest listed highway passes through an Urban Residential Zoning District. Where a hazardous substance user is currently operating, no land within one-quarter (1/4) mile of the most direct driving route from the hazardous substance user to the nearest listed highway shall be rezoned to an Urban Residential Zoning District. On-farm agricultural chemical users are exempt from this subsection.

M. Junk Yards, Salvage Yards, Heavy Equipment, Industrial, and Outdoor Storage

residents will be constructed at those times stated in any related condition attached to the Conditional Use Permit. Where appropriate, a landscaping agreement may be used in lieu of the DIA.

O. Multi-family Development.

Multi-family developments shall be subject to the standards listed below:

1. Landscaped buffer requirements for multi-story multi-family development adjacent to single-family subdivisions shall be required as per [Table 8-7](#)/[Table 8-6](#);
2. Designated trash collection area meeting the requirements of this LDC shall be required; and
3. Multi-family developments ~~shall are~~ [encouraged to provide common area or open space as per Section 8.06 for use and enjoyment by residents.](#)

Commented [WU60]: Rather than require, it is proposed that providing common areas should be encouraged.

P. Manufactured Home Park

Manufactured home parks shall be subject to the standards listed below:

1. Site Area
A manufactured home park shall be a minimum of two (2) acres.
2. Density
Density standards of the underlying zoning district shall apply.
3. Setbacks
Minimum setbacks and separation shall be as follows:
 - a. Property boundary: twenty (20) feet
 - b. Street (public): twenty-five (25) feet
 - c. Interior street (private): ten (10) feet
 - d. Separation between manufactured homes: fifteen (15) feet
 - e. Separation between manufactured homes and other structures: fifteen (15) feet

4. Streets

Each manufactured home space within a manufactured home park shall abut and have access to a private street or drive that complies with the Standard Specifications for Road and Bridge Construction and all other applicable standards of this LDC.

5. Parking

Off-street parking shall be provided for each manufactured home, in accordance with the parking requirements for multi-family dwellings. All required parking spaces shall be paved. Off-street parking spaces shall be uniformly distributed through the manufactured home park.

6. [Common Area/Open Space](#)

[Manufactured home parks are encouraged to provide common area or open space for use and enjoyment by residents](#)

Commented [WU61]: See above comment.

Q. Oil and Gas Drilling

Oil, gas, and other drilling operations, on public or private lands, shall be subject to the standards below:

1. Financial assurance
 - a. The Director may require that the applicant provide financial assurance adequate to ensure that:
 - (1) Any structures or roads necessary to mitigate the impacts of the operation on nearby properties, will be constructed at those times stated in any related condition attached to the Site Plan; and
 - (2) Any actions required to remove equipment, structures, or roads, or to otherwise rehabilitate

n. Access roads shall be maintained at all times to allow emergency vehicles into the site as needed.

3. Time Limitations

Conditional Use Permit approvals for support services facilities are valid for a period of three (3) years. The operator may submit a request for an extension of time before the end of the three (3) year period. The operator shall submit to the Director a written narrative describing the condition of the facility, its compliance with each of the County permit requirements, and demonstrate the continued need for the facility in accordance with this Section. Subsequent extensions may be applied for in the same manner.

4. Closure

When the need for the use is finished, the support services facility structures must be removed within ninety (90) days of closure except as stipulated in the surface use agreement. If the land owner desires that the structures remain on the property, he must apply for the appropriate County development permit within thirty (30) days of closure of the facility. The Director shall be notified at least ten (10) days prior to removal of improvements. Within ninety (90) days after the removal is completed, a reclamation report shall be submitted to the Director indicating that the site was reclaimed as set forth in the approved reclamation plan.

~~X~~.W. Field Office Headquarters for Oil and Gas Field Operators

All field office headquarter sites shall be designed to achieve the following:

1. Appropriate internal circulation for employees and visitors is provided for both vehicle and foot traffic. Buildings relate to each other in a campus-like clustered setting and are constructed to blend with the character of the area and surrounding vistas.
2. Outdoor storage of equipment and vehicles as well as parking areas are screened from adjacent land uses including public road frontages.
 - a. A landscape/fencing plan shall be proposed which is suitable to achieve the screening and in character with the area. Alternatively, buildings may provide screening.
 - b. Landscaping and screening is not required if the outdoor storage areas are not visible from adjacent properties.
3. [Section 6.02 W.2.a.](#) (above) criteria for Oil and Gas Support Services, shall be utilized. [Section 6.02 W.2.b.](#) (above) may not be applicable if modular structures, outdoor storage and parking are located on a portion of the site not visible from interstate highways, arterial roads and scenic byways.

~~Y~~.X. Temporary Employee Housing

The following information, standards and requirements shall be required for all temporary employee housing related to commercial, industrial, transportation, oil and gas, or mineral extraction projects:

1. The following information shall be submitted with an application for a Conditional Use Permit or Site Plan:
 - a. Demonstration of the need for the facility in the location proposed to serve oil and gas operations and documenting any lack of suitably zoned land in the project area.
 - b. Discussion of the adequacy of roads and access to the site, including the condition and construction of the roads.
 - c. A letter from a licensed waste disposal facility(ies) stating that the facility(ies) is able and willing to receive the development's refuse as applicable.
 - d. An emergency management plan.
 - e. A reclamation and re-vegetation plan.
2. The following standards will apply to all temporary employee housing facilities:
 - a. Dust shall be controlled on the site, public and internal roads, and on driveways serving the site

Construction of One (1) accessory structure may be allowed ~~to be constructed~~ without a principal structure (residence) on property that is one (1) acre or greater in size.

~~a. Properties with an agricultural principal use are not subject to the limitation of one (1) accessory structure if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.~~

Commented [WU68]: This language was moved under "Agriculturally Used Properties" below.

3. Urban Zoning Districts

One (1) accessory structure may be allowed to be constructed without a principal structure (residence) in an urban zoning district that is one (1) acre or greater in size and that allows single-family residential use.

4. Agriculturally Used Properties

Regardless of the zoning, properties with an legitimate agricultural principal use are not subject to the limitation of one (1) accessory structure or that the structure be subordinate in size to the principal building, if the structures are clearly related to the agricultural use, e.g. barns and other out-buildings.

B. Dimensional and Operational Standards

The standards of this section shall apply in all districts unless otherwise expressly stated.

1. Height

The maximum height of accessory buildings or structures shall not exceed two (2) stories or twenty-five (25) feet, except within the I-1, I-2, or Rural Zoning Districts.

2. Setbacks

Accessory structures shall be subject to all setback requirements of the zoning district in which they are located [Chapter 5](#) with the following exception:

a. Interior Side and Rear Setbacks

Accessory structures that are less than sixteen (16) feet in height and contain less than two hundred (200) square feet of floor area shall be setback no less than three (3) feet when located within the required rear setback area.

b. Easements

Regardless of the above setbacks, accessory structures shall not be located over any recorded easement.

3. Size

Accessory structures shall be subordinate in size, extent, and purpose to the principal building or use. Accessory structures on properties in rural, RSF-R, and RSF-E zoning districts that are one (1) acre or greater in size are allowed to be larger than the size of the principal dwelling on the property.

SECTION 6.04 | ACCESSORY USES

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district unless otherwise expressly stated. No accessory use shall be established on the subject parcel until after all required permits and approvals for the principal use, structure or activity have been obtained.

A. Operation

Accessory uses shall be maintained and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination, or from reflection of natural light.

B. Animals

Unless otherwise expressly defined or identified as a principal use, the keeping of animals shall be considered an allowed accessory use subject to the provisions of this section.

1. Household Pets

Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zoning districts allowing for residential use, provided that no more than five (5) animals over four (4) months of age are kept by the occupant of any residential unit. This provision does not apply to tropical fish, small rodent animals (e.g., gerbils, hamsters), and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

2. Prohibited Animals

The keeping of nondomestic or exotic animals shall not be allowed as an accessory use. The keeping of nondomestic or exotic animals is considered Animal Care/Boarding/Sales and may be permitted in those zoning districts listed in [Table 6-1](#) of this LDC.

3. Domestic Livestock

The keeping of domestic livestock shall be considered an accessory use and shall be measured in terms of animal units.

a. Existing Properties in Urban Land Use Areas

On properties designated for urban land uses on the adopted Future Land Use Plan Map, the keeping of domestic livestock may be allowed only on lots or parcels greater than one-half (1/2) acre in size except as provided for below in subsection (1).

Domestic livestock pens, fenced corrals, round pens, turnout areas, buildings, or other confined areas for keeping domestic livestock shall be set back a minimum distance of fifty (50) feet from rear and side property lines when adjacent to an existing residential use unless physically impossible, in which case the Director may approve an adjustment up to thirty (30) percent. Pastures are not considered confined areas.

(1) On parcels of land less than one-half (1/2) acre in size in the urban zoning districts, chickens and rabbits that are kept outside the residence shall be allowed under the following conditions:

- (a) No more than six (6) chickens or six (6) rabbits over two (2) months old, or any combination of the two animals, are allowed per dwelling unit. No other domestic livestock or fowl shall be permitted.
- (b) For properties that have an accessory dwelling unit, each unit shall be permitted to have up to six (6) animals, for a total of twelve (12) animals total on the property.
- (c) Chickens and/or rabbits shall not be permitted on properties with duplexes or multi-family dwellings.
- (d) No roosters are allowed.
- (e) All animals shall be confined by a fence, cage, or pen. Appropriate shelter shall be provided.
- (f) Animals shall be kept no closer than twenty (20) feet from rear and side property lines whenever there is an existing residential use on the adjoining property.
- (g) There shall be no confinement of animals in the front setback area.
- (h) The coop, hutch, cage, pen, and/or area where the animals are confined shall be kept in a clean condition so that any offensive smell and human health issues are minimized. Food supplies shall be secured in animal-proof containers to deter nuisance animals and vermin.

(2) Existing Properties in Rural Land Use Areas

On properties designated for rural land uses on the adopted Future Land Use Plan Map, the following criteria apply:

- (a) No new domestic livestock pens, fenced corrals, round pens, turnout areas, buildings, or other confined areas for keeping domestic livestock shall be located nearer than one hundred (100) feet from dwellings existing on adjacent lots or parcels of land.
- (b) No new dwellings shall be constructed nearer than one hundred (100) feet from existing

(3) The property shall not be rented any time the local representative is not available.

~~e. Parking~~

~~At least one (1) off-street parking space must be provided for each bedroom in the accessory dwelling.~~

Commented [WU70]: Subject to HB24-1152.

~~f. Lot/Parcel Size~~

~~The minimum size of a parcel or lot on which an accessory dwelling may be approved is six thousand five hundred (6,500) square feet.~~

Commented [WU71]: Subject to HB24-1152.

~~g.e. Land Use~~

An accessory dwelling may only be approved on a lot or parcel that contains one (1) single-family detached dwelling. An accessory dwelling will not be allowed on a parcel or lot that contains a duplex or a multi-family dwelling.

~~h. Construction Material and Roof Design~~

~~The design and construction material of the accessory dwelling shall be complementary to those of the principal single-family dwelling.~~

Commented [WU72]: Subject to HB24-1152.

F. Camping

1. Location

- a. A Recreational Vehicle (RV) or a temporary shelter may be occupied for recreational or vacation purposes on property located within a Rural or Urban Residential zoning district.
 - (1) For properties less than one (1) acre in size, a principal dwelling is required on the property.
 - (2) Occupancy of RVs or temporary shelters shall not be permitted on properties less than one half (1/2) acre in size.
 - (3) RVs and temporary shelters shall be prohibited in the required setbacks.
- b. Occupancy of RVs and temporary shelters in Nonresidential and Mixed Use zoning districts shall be limited to permitted campgrounds and camps.
- c. Occupancy of RVs in Mobile Home Parks and Manufactured Home Parks shall not be permitted.
- d. Private non-commercial hunting camps in Rural zoning districts are exempt from these standards.
- e. These standards shall not apply to Agricultural Labor Housing approved pursuant to [Section 6.02 B.](#) of this LDC.

2. Number Allowed

One (1) RV or temporary shelter may be occupied on a single property at a time.

~~3. Duration of Occupancy~~

~~RVs or temporary shelters may be occupied for a period not to exceed thirty (30) consecutive days. RVs or temporary shelters shall not be occupied more than a total of one hundred eighty (180) days in any calendar year.~~

Commented [WU73]: This is difficult to administer and has created problems for Code Compliance. In addition, the restriction only requires that the RV "shall not be occupied" not moved so the RV can remain year round. If the RV meets all other requirements I don't think that it's a problem allowing one RV to be occupied per one acre or greater property.

~~4.3. Standards~~

The following standards apply to the occupancy of all RVs and temporary shelters located in a Rural or Urban Residential zoning district:

- a. RVs must have a current registration and/or vehicle license.
- b. To protect public safety, all RVs & temporary shelters must remain readily mobile and meet the following requirements.
 - (1) Nothing shall be attached to an RV or temporary shelter or placed in a manner that would prevent or hinder the immediate removal of the RV or temporary shelter.

- (2) RVs and temporary shelters, inclusive of all slide-outs and other projections, shall maintain a separation of at least ten (10) feet from all buildings.
 - (3) RVs shall not be driven or be parked across, over, or on any part of the onsite waste water treatment system.
 - (4) The RV or temporary shelter's hook-ups must be in compliance with all applicable building, fire, electrical, mechanical, and related codes.
 - (5) Propane tanks must meet minimum fire code standards, including placement at least ten (10) feet from any source of ignition (open flame, window air conditioner, compressor, generator, or similar items).
 - (6) No generator shall be located within fifty (50) feet of a dwelling on an adjoining property.
 - (7) Generators shall not be used between 10:00 p.m. and 7:00 a.m. Generators shall be located so noise is not directed toward adjoining properties. Generators shall adhere to the noise limit requirements of Colorado Revised Statute §25-12-103.
 - (8) The placement of RVs or temporary structures in a floodplain shall meet the standards of ~~Section 8.14~~Section 8.13 of this LDC.
- c. RVs or temporary structures ~~property~~ may not be leased or rented to another party for use on that property except as may be permitted by this LDC.

5.4. Temporary Dwelling

An RV or temporary structures may be used as a temporary dwelling during construction or remodel of a single-family residence in a Rural zoning district, or in an Urban Residential zoning district on a property that is one (1) acre or greater in size and where a valid building permit has been issued.

SECTION 6.05 | TEMPORARY USES

A. General Regulations

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

1. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.
2. Unless otherwise expressly stated, temporary uses shall be subject to Site Plan Review pursuant to ~~Section 4.16~~Section 4.17.

B. Uses Allowed

Temporary uses shall be allowed in accordance with the standards of this subsection.

1. Real Estate Sales Offices

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.
2. Fairs, Carnivals, and Other Public Gatherings

Fairs, carnivals, and other public gatherings shall be allowed as follows:

 - a. In Rural Zoning Districts, such uses shall be allowed for up to six (6) consecutive days. Two (2) events are allowed per calendar-year.
 - b. In Urban Residential Zoning Districts, such uses shall be allowed for up to four (4) consecutive days on the site of an institutional use. Two (2) events are allowed per calendar-year.
 - c. In Nonresidential Zoning Districts, such uses shall be allowed for up to eight (8) consecutive days. Two (2) events are allowed per calendar-year.
3. Natural Disasters and Emergencies

CHAPTER 7 | MEASUREMENT AND DENSITY STANDARDS

SECTION 7.01 | MEASUREMENTS AND EXCEPTIONS

A. Density

Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross land area (in acres). Gross land area includes the entire parcel or property at the time a development application is filed. If a lot or parcel is located within an existing platted subdivision, the size of the parent parcel and the existing number of lots contained within the original subdivision will be used in calculating density unless further development is allowed through a change zoning of the parcel.

Commented [WU76]: This language has been used historically to determine whether additional density is available within an existing subdivision.

1. Exceptions to Minimum Density Requirements

- a. The Director shall be authorized to approve a minimum density of up to twenty (20) percent less than otherwise stated in [Chapter 5](#) (using the Administrative Adjustment review and approval procedure of [Section 4.01](#)) when deemed necessary to accommodate unusually small or oddly shaped parcels, roads, right-of-way, floodplains, steep slopes, wetlands, hazard area, open space and other non-developable lands.
- b. Minimum density standards shall not apply to a minor subdivision in the RSF-4, RMF-5, or RMF-8 zone districts if:
 - (1) One lot can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards; and
 - (2) The new lot(s) created are a maximum lot size of one half (.5) acre in RSF-4, or one third (.33) acre in RMF-5 or one fifth (.2) acre in RMF-8.
 - (3) However, if sewer is unavailable, one (1) additional lot shall be allowed with a minimum lot size of one-half (1/2) acre or larger as long as both lots can be reasonably resubdivided or developed in a manner that complies with the underlying zone district's minimum density standards.

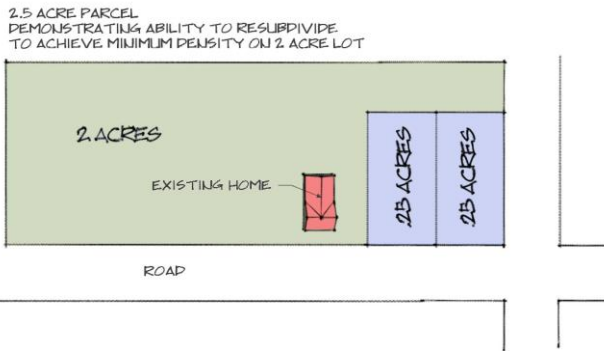


Figure 7-1: Minimum Density Standard

B. Lot Area

- 1. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including streets or rights-of-way.
- 2. For the purpose of calculating density on existing parcels zoned RSF-4, RMF-5, RMF-8, RMF-16 and RMF-24 that are smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
- 3. Exceptions to Minimum Lot Area Requirements

2. Exceptions
 - a. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/ham communication towers, structures for essential services, windmills, flagpoles, chimneys, radio/television receiving antennas or chimney flues.
 - b. Height limits also do not apply to any bulkhead, elevator, water tank, or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than thirty-three and one-third (33 1/3) percent of the area of the roof.

Commented [WU78]: It is proposed to include "ham" communication towers as an exemption.

SECTION 7.02 | AFT DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land within the Rural Planning Area, the County has adopted the provisions of this section to govern density in the AFT Zoning District.

B. Density

The base density allowed on lots and parcels zoned AFT shall be no more than an average of one lot per five (5) acres unless a different base density is identified in [Table 7-1](#) (see below). If density bonus is allowed, the maximum density may only be achieved when an application for density bonus is submitted and approved subject to the criteria listed in [Section 7.02 C](#).

TABLE 7-1: AFT DENSITY					
Future Land Use Classification	Density (acres per dwelling unit)		Minimum Lot Size (acres)	Density Bonus	Required Reserve
	Base	Maximum			
Rural Residential 5	5	N/A	Section 8.11 Section 8.10	N/A	N/A
Fruita 201-10	10	N/A	10	N/A	N/A
EOM 10	10	N/A	10	N/A	N/A
Rural Ag 10 (R/A 10)	10	5	Section 8.11 Section 8.10	Section 7.02 C	Table 7-2
Rural Ag 17 A (R/A 17)	17	9	Section 8.11 Section 8.10	Section 7.02 C	Table 7-2
Rural/Ag/20 NB	20	N/A	20	N/A	N/A
Rural/Ag 35+ A	35	N/A	35	N/A	N/A
Large Lot Rural/Ag 35+	35	N/A	35	N/A	N/A
Fruita Buffer North of River (R/A 10)	10	5	Section 8.11 Section 8.10	Section 7.02 C	50%
Fruita Buffer South of River	N/A	Average of existing lot size within 2,500 feet (excluding public lands)	Section 8.11 Section 8.10	N/A	N/A
Palisade Buffer North of River (R/A 10)	10	5	Section 8.11 Section 8.10	Section 7.02 C	50%
Palisade Buffer South of River (EOM 10)	10	N/A	10	N/A	N/A
Rural (RUR)	5	N/A	Section 8.11 Section 8.10	N/A	N/A

C. Density Bonus Criteria

1. Eligibility

To qualify for a density bonus, the property must have a Future Land Use Classification depicted in [Table 7-1](#) as appropriate for a density bonus.

2. Process

The Major Subdivision application process shall be followed ([Section 4.10 E.](#)). In addition to the standards and criteria required for approval of a major subdivision, subdivisions requesting density bonus must apply the following approval criteria in [Section 7.02 C.3.](#)

3. Approval Criteria

a. The following preserved land minimums shall be required to achieve associated density bonuses:

Future Land Use Classification	Density (acres per dwelling unit)	Reserved Land Requirement
R/A 17	15	30%
	12	40%
	9	50%
R/A 10	8.5	30%
	6.5	40%
	5	50%

- b. The lots ~~must~~ should be located to avoid development of and minimize adverse impacts on agricultural land, steep slopes, ridgelines, wetlands, wildlife habitats, and public facilities;
- c. The reserved land may be located within a tract designated as open space (in which case the tract is not included in the density calculation) or as a building lot (in which case the reserved building lot is included in the density calculation);
- d. The reserved land should be located in areas adjacent to any existing agricultural operations;
- e. A note shall be placed on the plat that the ~~preserved~~ land is reserved for future development until applicable revision or amendment of the Mesa County Master Plan and Land Development Code occur; and
- f. Minimum lot size requirements shall be based on onsite wastewater treatment system regulations, fire protection standards, site-specific conditions, and the need, if any, to protect adjacent agricultural operations under the County's Right to Farm and Ranch Policy.

Commented [WU79]: Criteria "b." has never been enforced?

SECTION 7.03 | RSF-E DISTRICT DENSITY

A. Purpose

In order to provide more certainty regarding appropriate levels of development on land with a Future Land Use Classification of Estate, the County has adopted the provisions of this section to govern density in the RSF-E Zoning District.

B. Maximum Density and Minimum Lot Size Criteria

The maximum density and minimum lot size allowed within the RSF-E Zoning District shall be as follows:

Future Land Use Classification	Density	Minimum Lot Size
Estate	1 acre / dwelling unit	1 acre
Estate 2	2 acres / dwelling unit	2 1 acres
Rural Estate 3	3 acres / dwelling unit	1 acre

Commented [WU80]: One acre minimum lot is more compatible with the other Estate zones.

SECTION 7.04 | ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

The alternative development options of this section allow for variety in development standards while maintaining the overall character of single-family residential developments.

CHAPTER 8 | DEVELOPMENT STANDARDS

The standards in this Chapter apply to all new development unless otherwise stated.

SECTION 8.01 | OFF-STREET PARKING

A. General

1. New Development

The off-street parking standards of this Section apply to all new buildings and uses.

2. Expansions and Alterations

The off-street parking standards of this Section apply when an existing structure or use is expanded or enlarged. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces provided for the entire use (preexisting plus expansion) must equal at least seventy-five (75) percent of minimum ratio established in [Table 8-1](#).

3. Changes of use

A change of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this LDC. Where this calculation results in the addition of less than five (5) spaces, no additional spaces shall be required.

B. Minimum Required Off-Street Parking

The following Off-Street Parking Schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this LDC. The Bicycle Parking requirements shall apply only within the Urban Zoning Districts.

TABLE 8-1: OFF-STREET PARKING SCHEDULE			
Use Categories	Specific Uses	Minimum Number of Spaces	
		Vehicle Spaces	Bicycle Spaces
Residential			
Group Living	Boarding/Rooming Houses	1 per bedroom	N/A
	Dormitories/Fraternities/Sororities	1 per 2 beds	0.5 per unit
	Nursing Homes	1 per 4 beds + 1 per each 3 employees	N/A
	Other Group Living	1 per 4 beds	N/A
Household Living	Single-Family and Duplex	2 per unit	N/A
	Multi-Family – 1 bedroom	1.25 per unit	0.5 per unit
	Multi-Family – 2 bedroom	1.5 per unit	0.5 per unit
	Multi-Family – 3+ bedroom	2 per unit	0.5 per unit
Civic			
Colleges and Vocational Schools		1 per 2 students	1 per 5 vehicle spaces
Community Service		1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
Day Care		1.5 per employee	N/A
Hospital/Clinic		1 per 2 beds + 1 per employee	1 per 20 vehicle spaces
Parks and Open Space	Golf Course	4 spaces per hole	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle 1 per 4 seats

~~d. —Detention capacity under parking lots or underground~~

E. Buffer and Screening Requirements

The purpose of buffers and screening is to mitigate the view, lighting, noise, heat, and odor impacts of vehicles, pavement, and higher intensity uses. All types of buffering, planting strips, and screening between differing land uses and activities shall be accomplished by separation and by combinations of opaque fences or walls and plant material. Planting dense stands of evergreen trees, canopy shade trees, ornamental trees and shrubs will soften the impact between uses. Integrating plantings into the architectural theme of buildings and their outdoor spaces to lessen differences in architecture or mitigate building scale is encouraged.

Proposed Use	Adjacent Use	Baseline Requirements	Exceptions & Notes
Residential Subdivision	Street or Right-of-Way	Where rear and side lots abut street frontage: ten (10) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	Single-family and duplexes are exempt from any landscape requirement. In addition, subdivisions in rural zones and subdivisions zoned URR, RSF-R and RSF-E are exempt from the requirements of this Section.
Industrial or High Impact Commercial	Residential or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.
Multi-story Multi-family Residential	Single-Family	Six (6) foot fence or wall.	
Low Impact Commercial	Residential or Institutional	Six (6) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the six (6) foot buffer is waived but the structural screen must be built.
Outdoor storage	Residential, or Institutional	Fifteen (15) foot wide landscape strip with trees and shrubs and six (6) foot fence or wall.	If lower intensity property is developed last, the fifteen (15) foot buffer is waived but the structural screen must be built.

Commented [WU94]: The zoning districts deleted are now grouped as "rural zones" in Chapter 5.

1. When an existing fence or wall substantially meets the requirements of this Section an additional fence on the adjacent developing property shall not be required. Fences or walls required by this Section must meet the following:
 - a. Solid opaque wood or material with a similar appearance, finished on both sides.
 - b. A wall must have a column or other significant architectural feature every thirty (30) feet of length.
 - c. No person shall construct or maintain a fence or a wall without first obtaining a building permit from the Building Department.
 - d. Berms.

A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet. Minimum requirements for berms are as follows:

 - (1) Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and
 - (2) To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

SECTION 8.03 | FENCES

Any fence or wall that exceeds seven (7) feet in height shall be considered a structure requiring a planning clearance and building permit.

A. Fence Height Measurement

1. The height of fences shall be determined by measurement from the ground level upon which the

4. See [Section 6.04 B.3](#), Domestic Livestock for additional information.

H. Right to Hunt

The following notice shall be recorded on approved site plans and/or plats when the notice is applicable:

"NOTICE OF TRADITIONAL HUNTING ACTIVITIES

This property is potentially within an area which is traditionally hunted; therefore noise and activity associated with lawful hunting and people moving through the area to hunt is normal and may be expected."

~~Section 8.08~~ | [SECTION 8.07](#) | DRAINAGE

Drainage facilities shall be designed and installed in accordance with the Mesa County Stormwater Management Manual.

~~Section 8.09~~ | [SECTION 8.08](#) | POTABLE WATER

A. General

New development shall provide an adequate, domestic, potable water supply that is sufficient in terms of quality, quantity, and dependability for the proposed development. In making its determination as to whether the proposed water supply meets this standard, the Decision Making Body shall give substantial weight to the recommendations of the State Water Quality Division, Mesa County Health Department, the State Engineer, other appropriate agencies, and County staff.

B. Municipal, Private and District Water Systems

If a proposed development falls within the service area of a municipality, private water service company, or water service district, or if drinking water is to be provided to the development by any of these systems, then the proposed development may be approved by the County only if the following are met:

1. The applicant submits to the County a written certification from the proposed water service provider, on forms provided by the County, stating:
 - a. That it is able and willing to provide an adequate supply of drinking water;
 - b. The specific quantity, quality and pressure it will provide to meet the needs of the proposed development based on the projected water usage of that development; and
 - c. If an expansion to the existing system is required to obtain adequate service.
2. The applicant agrees in writing to connect the proposed development to such system.

If a proposed development is unable to obtain service from such a system, then the development may be approved only if a new system is created through formation of a Metropolitan District, Water District local improvement district, or other public legal entity approved by the Board of County Commissioners.

C. Wells

If private wells are proposed for new development, the following shall be required to determine the adequacy of such system before approval:

1. Evidence of ownership and water court decree, including an augmentation plan where applicable, proof of a well permit, amenability of existing rights for the proposed use, and evidence concerning the potability of the proposed water supply; and,
2. A geologic report shall be submitted by a qualified groundwater geologist, which indicates:
 - a. The probability of ground water withdrawal of wells or on-site supply systems within the proposed subdivision;
 - b. The expected long-term yield of such wells or systems;
 - c. The expected depth to potable water;

D. Roads and Driveways

Roads and driveways shall be designed to comply with the standards in the Mesa County Standard Specifications for Road and Bridge Construction, its appendix, the [Road Access Policy](#), [Mesa County Design Standards](#), the Land Development Code and the Fire Apparatus Access Roads section of the International Fire Code, as may be amended. Shared driveways over one hundred fifty (150) feet in length shall also meet the standards listed in the most recently adopted Fire Code in regards to width, grade, turn radius for curves and turnaround standards.

1. Access Points

Developments containing one or two family dwellings where the number of dwelling units exceeds thirty (30), shall provide two separate and approved fire apparatus access roads.

- a. An exception may be granted where more than thirty (30) dwelling units are proposed on an approved single public or private fire apparatus access road if all dwelling units are equipped with approved automatic sprinkler system. An alternative to the exception above may be approved if the responsible fire chief determines the alternative will afford the same level of fire protection to the proposed development as would strict compliance with this LDC.

Section 8.11 | SECTION 8.10 | WASTEWATER**A. Service by Grand Junction–Mesa County Wastewater Collection and Treatment System**

Any development located within the Persigo Wastewater Treatment Plant Service Area shall be required to connect to the Grand Junction-Mesa County Wastewater Collection and Treatment System if a major sewer line exists or is built within four hundred (400) feet of any part of the property on which the development occurs, as measured via any public right-of-way or utility easement. If Onsite Wastewater Treatment Systems are to be utilized by a development on a temporary basis, such use must be in conformity with all County and State Health Department laws and regulations. An estimate of the funds necessary to cover the cost of such a connection shall be prepared by a registered civil engineer and certified as adequate by the City or County Engineer. The funds shall be placed in escrow by the applicant or a bond shall be posted in a form acceptable to the County, prior to the issuance of a development permit, or the recording of a final plat or plan, and shall be utilized by the Board of County Commissioners to contract for and construct such connection if the applicant fails to comply with the provisions of this paragraph. New developments shall be subject to the Mesa County Sewer Trunk Line Extension Policy.

B. Service by Other Systems

1. If a proposed development is located within the service area of an existing wastewater collection and treatment system other than those listed in [Section 8.11 A. Section 8.10 A.](#), and if that system is willing and able to provide sewage collection and treatment service to the development, then the development must provide for hook-up to that system.
2. If, in the opinion of the Colorado Department of Health, it would be appropriate for a development to obtain sewage collection and treatment service from an existing system by an enlargement of the capacity of that system, then the development shall be required to obtain services from that system; provided that the cost of the development's hook-up is roughly proportional to the cost of the increase in capacity.

C. Development Outside Service Areas

Any development that is outside the service area of an existing system, that proposes to provide sewage disposal by the creation of a new system, or the expansion of an existing system, shall create a Metropolitan District, Sanitation District or Water/Sanitation District, or local sewer improvement district, or other public legal entity.

D. Onsite Wastewater Treatment Systems

All onsite wastewater treatment systems, where allowed, shall be located, installed, and operated in accordance with the regulations of the Colorado Department of Health and the requirements of the Mesa County Onsite Wastewater Treatment System Regulations.

1. The following minimum lot sizes and dimensional standards for Onsite Wastewater Treatment Systems (OWTS) apply to all newly created lots:
 - a. The minimum lot size for all development applications (except site plans) served by OWTS and a public water system shall be one half (1/2) acre.
 - b. All lots within proposed major subdivisions, planned unit developments, or administrative review applications served by OWTS and a public water system must meet the requirements of the Mesa County Onsite Wastewater Treatment System Regulations (May 23, 2019, as amended).
2. Lots not served by a public water system:
The minimum lot size for a lot not served by public water service and/or utilizing wells, springs, or cisterns shall be based on the Colorado Department of Natural Resources well permit requirements, or as required by engineered OWTS design, or one (1) acre, whichever is greater.
3. Existing lots served by Onsite Wastewater Treatment Systems:
Existing lots that do not conform to the minimum standards of this Section shall not be made more nonconforming by a Property Line Adjustment.
4. If the provisions of this Section conflict with zoning district standards or other provisions of the Land Development Code, the minimum lot size shall default to the larger lot size.
5. Existing lots (uses) may request a deviation from the standards of this ~~Section 8.11~~ Section 8.10, subject to approval from the Director.

Section 8.12 | SECTION 8.11 | MONUMENTATION

Monuments shall be provided for all Major Subdivision Plats and Administrative Reviews. They shall be set pursuant to Colorado Revised Statutes 38-51. Materials Specifications shall be as required by Colorado Revised Statutes and the Mesa County surveyor. In addition to any other requirements of a plat permitted or required by this LDC, all plats shall meet the minimum standards for land survey plats, as defined in Colorado Revised Statutes 38-51-102(12) and as provided in Colorado Revised Statutes 38-51-106, and shall include all recorded or apparent rights-of-way and easements. See The Handbook for plat requirements.

Section 8.13 | SECTION 8.12 | IRRIGATION CANALS AND LATERALS

A. Encroachments

No new development shall be permitted to encroach in, under, upon, or interfere with the recorded or apparent easements or rights-of-way of irrigation canals, laterals, or irrigation drainage channels without the written consent of the property owner and the responsible irrigation or drainage company, or district or lateral association.

B. Standards

All new development must comply with the standards of the responsible irrigation or drainage company, or district or lateral association. New development shall be required to use irrigation water for irrigation purposes wherever irrigation water is physically and legally available, rather than use potable domestic water.

Section 8.14 | SECTION 8.13 | FLOODPLAIN REGULATIONS

A. Findings

~~The Board of County Commissioners finds that certain areas of unincorporated Mesa County are subject to periodic inundation by flood waters that may result in loss of life, property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which may adversely affect the public health, safety and general welfare. Further, the Board of County Commissioners finds that such flooding may pose a serious hazard to properties and persons, that development within affected areas may increase the degree of hazard to other people situated both upstream and downstream, and that appropriate regulations addressing the use of such hazard areas are therefore necessary.~~

Commented [WU101]: Additions and deletions requested by Public Works.

lots will use the internal road for access, the improvements required in the rights-of-way may be reduced, upon request by the Developer, to the minimum standard for shared driveways as specified in [Section 8.16 E](#) the Mesa County Design Standards.

2. Urban Street Improvements

Development within all Urban Zoning Districts and Rural Communities, shall construct required improvements ([Section 8.17 B.](#)) to streets/roads that are in conformance with the urban road sections in the Mesa County Standard Specifications for Road and Bridge Construction [and Mesa County Design Standards.](#)

3. Rural Road Improvements

a. Development located in the Rural Zoning Districts shall construct limited improvements ([Section 8.17 B.](#)) to County maintained roads when the development:

- (1) Has boundaries with frontage on a "public road" as defined in the [Mesa County Design Standards Road Access Policy](#); and
- (2) Has adjacent roads that are designated as local roads as defined in the [Mesa County Design Standards Road Access Policy.](#)

b. Development that satisfies the criteria in [Section 8.17 B.](#) [Section 8.16 B.](#) shall provide the following road improvements to adjacent County roads classified as local roads:

- (1) Install all or portions of gravel shoulder along adjacent roads in compliance with the Mesa County [Design Standards Standard Specifications for Road and Bridge Construction](#); and
- (2) Ensure that drainage along roads is not adversely affected by any road improvements installed or accesses constructed.

Section 8.18 | SECTION 8.17 | CIRCULATION AND STREET LAYOUT

A. Sidewalks and Trails

All principal structures in Nonresidential zoning districts, and all Urban Residential zoning districts except the URR, RSF-R and RSF-E district shall have direct access to a sidewalk or trail without having to cross a street.

B. Transportation Plans

The layout of streets, highways, sidewalks and trails shall comply with all adopted transportation plans. Where proposed development adjoins other property, the dedicated rights-of-way and improvements required to connect Local, Arterial or Collector streets within the proposed development shall extend to the adjacent property line in conformance with any adopted Transportation Plan.

C. Private Streets

Private streets within a development shall comply with the requirements of the Mesa County [Design Standards Standard Specifications for Road and Bridge Construction](#), and the development shall have a Property Owners' Association and covenants sufficient to ensure road maintenance is performed. Private streets/roads shall only be created through the Major Subdivision Process.

Section 8.19 | SECTION 8.18 | INTERSECTION AND DRIVEWAY VISIBILITY

[Intersection and driveway visibility shall be designed and installed in accordance with the Mesa County Design Standards.](#)

A. Intersections

1. ~~No fence, wall, hedge, landscaping, sign or other material or structure that will obstruct vision between a height of three (3) feet and eleven (11) feet shall be erected, placed or maintained within the triangular area formed by an imaginary line starting at the point of intersection of property lines and extending twenty-five (25) feet from their point of intersection.~~
2. ~~The Director may require an increase in the visibility triangle standards when deemed necessary for traffic safety.~~

Commented [WU105]: Additions and deletions proposed by Public Works.

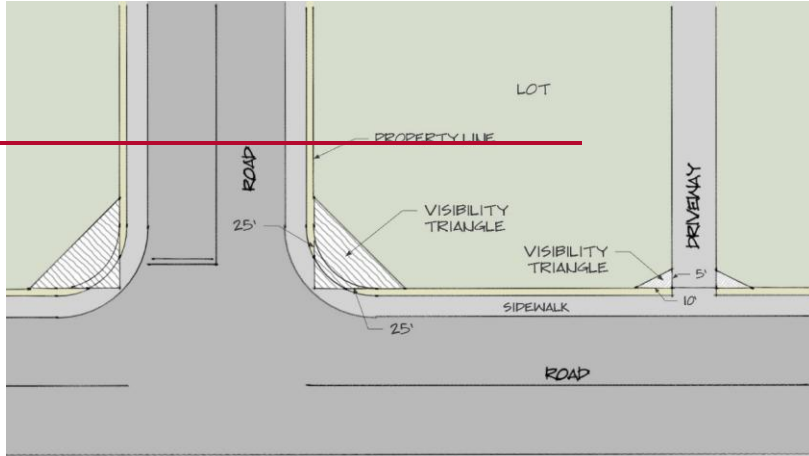


Figure 8-3: Visibility Triangle Standards

B.—Driveways

- 1.—No structure, fence, wall, hedge, or planting that will obstruct vision between a height of three (3) feet and eight (8) feet shall be erected, placed or maintained within the triangular area formed by the edge of the driveway and the lot line.
- 2.—The provisions of this Section shall be waived for fences, walls, hedges or other plantings if it can be shown that visibility will not be restricted either because of a turnaround driveway or a parkway greater than eight (8) feet.

C.—Dedication Required

The area within required intersection visibility triangles shall be dedicated to the County at the time of subdivision approval.

D.—Enforcement

Upon official written notification of noncompliance, the property owner shall remove any obstructions. If the owner has not done so within a reasonable time as determined by the Public Works Department, Mesa County shall take steps to have the obstruction removed.

Section 8.20 | SECTION 8.19 | LAND DEDICATIONS AND FEES IN-LIEU

A.—Park Land Dedication

1.—Land Dedications

Dedication of land for park purposes shall be required of any development if such development includes within it land that is necessary for implementing an adopted park, bikeway, or open space plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development.

2.—Fees In Lieu of Land Dedications

A fee in lieu of park land dedication shall be paid by all developments except those required to dedicate park land in accordance with this Section. Revenues from such fees shall be used only to acquire park land or construct park or recreation related capital improvements that are necessary to serve the fee-paying development and other developments within the area. Fees are payable upon the filing of a final plat for a platted residential development. Developments containing residential and other uses shall pay the appropriate fees on each part of the development.

Commented [WU106]: The County no longer requires dedication of parkland.

~~3.—Required Fees~~

~~The required fees for all types of development shall be calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the Board of County Commissioners.~~

~~4.—Credit Permitted Against Fee~~

~~The development shall be allowed credit against any fees due for the actual costs of any park related capital improvements constructed by the applicant, for the development, at the request of Mesa County that are not on or directly adjacent to land owned by the applicant.~~

B.A. Schools

1. Land Dedications

Dedication of Suitable School Lands for school purposes shall be required of any development if the affected School District determines that such development includes within it land that is necessary for implementing a school plan, provided that every land dedication shall be roughly proportional both in nature and extent of the proposed development, in accordance with the requirements of this Section.

2. Fees In-Lieu of Land Dedications

A fee in-lieu of school land dedication shall be paid by all residential developments except those required to dedicate land for schools in accordance with this Section. The fee per dwelling unit shall be determined by resolution of the Board of County Commissioners, calculated in an amount roughly proportional to the need or demand generated by the proposed development, as determined by one or more studies commissioned and approved by the School District. School Land Dedication (SLD) fees shall be collected by the County for the exclusive use and benefit of the School District in which such development is located, and shall be expended by the School District solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the School District for sums expended to acquire such property or interests.

- a. School Land Dedication Fees shall be collected and held in trust for the use and benefit of the School District containing the Residential Development for which the fee is collected. Such fees shall be expended by such School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new Residential Development in such School District, or to reimburse the School District for sums expended to acquire such property. The amount of the SLD Fee shall be based on a methodology which takes into account the student generation rates of new Residential Development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring Suitable School Lands in the School District to expand existing school facilities and construct new school facilities to accommodate new Residential Development without decreasing current levels of educational services.
- b. At the time SLD Fees are initially adopted and once every five years thereafter, the Board of County Commissioners shall determine the average cost per acre of Suitable School Lands, after a public hearing. The County shall give each School District of the County sixty (60) days' prior written notice of the hearing. Such hearing shall consider the School Districts' long range capital improvement plans and any other evidence, comments or recommendations submitted by the School Districts and the public in making such determination.
- c. The SLD Fee shall then be set, by resolution of the Board of County Commissioners, in accordance with the following formula:

Cost per Acre of Suitable School Lands within each School District	×	Student Generation Fee Factor of .023	=	SLD Fee Per Dwelling Unit
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Figure 8-48-4: School Land Dedication Fee

[For example, if the average cost of Suitable School Lands is \$15,000 per acre, the SLD Fee per Dwelling Unit would \$15,000 X .023, or \$345.] See [Section 8-20 B.2](#)/[Section 8.19 A. 2](#), above for

determination of factor.

The student generation fee factor may also be modified at the hearing, provided that either the subject School District gives notice to the Board of County Commissioners that it requests such a modification at least thirty (30) days prior to the hearing, or the Board adopts a motion providing for consideration of a modification of said fee factor, and its hearing notice to the subject School District pursuant to this subsection. Said hearing shall consider the School District's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the subject School District and interested members of the public.

3. Payment of School Land Dedication Fee

- a. No building permit shall be issued for a dwelling unit or a multi-family dwelling structure that is or contains one or more dwelling units, until the SLD fee in effect at the time the permit is applied for has been paid.
- b. Nothing in this Section shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from pre-paying the SLD fees to become due under this Section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for a platted Residential Development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwellings been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling that is, or contains, one or more Dwelling Units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional Dwelling Units for which SLD fees have not been prepaid, the permit shall not be issued until the SLD fees for the additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.
- c. Any prepayment of SLD fees in accordance with this Section shall be documented by a Memorandum of Prepayment that contains the following minimum components:
 - (1) The legal description of the real property subject to Residential Development for which an SLD fee is being prepaid;
 - (2) A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees being prepaid;
 - (3) The notarized signatures of the owners of record or their duly authorized agents; and
 - (4) The notarized signature of the County Administrator, indicating approval of the prepayment plan.

4. Exemptions

The following shall be exempted from payment of SLD fee:

- a. Alterations or expansion of existing buildings except where the use is changed from nonresidential to residential and except where additional Dwelling Units result;
- b. The construction of accessory buildings or structures;
- c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
- d. The installation of a replacement manufactured home on a lot or other parcel when a fee in lieu of land dedication for such manufactured home has previously been paid pursuant to this Section or where a residential manufactured home legally existed on such site on or before the effective date of this Section;
- e. Nonresidential buildings, nonresidential structures, or nonresidential manufactured homes;
- f. Nursing homes, Adult Foster Care Facilities, or Specialized Group Facilities;

- g. County approved Residential Developments that are subject to recorded covenants restricting the age of the residents pursuant to the Federal Fair Housing Amendments Act of 1988; and
 - h. Residential construction on unsubdivided land.
5. Credits
- a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the same School District in which the development is located may offer to convey such lands to such district in exchange for credit against all or portion of the SLD fees otherwise due or to become due. the offer must be in writing, specifically request credit against fees in lieu of SLD, and set forth the amount of credit requested. If the County and the School District in which the development is located accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the County, the School District and the permit holder or applicant.
 - b. Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District in which the development is located. Upon such conveyance, the School District in which the development is located, and the County, shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.
 - c. Credits shall not be transferable from one project or development to another.
6. Refund of Fees Paid
- a. Any SLD fee which has not been expended by a School District within five years of the date of collection shall be refunded, with interest at the rate of five (5) percent per annum compounded annually, to the current owner of the land for which the fee was paid. Prior to such refund, such amount shall be reduced by an amount equal to two (2) percent of the principal amount to be refunded, for the costs incurred by the County in the refund of such fee. The County shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the County within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this [Section 8.20](#).[Section 8.19](#).
 - b. The Board may, upon a School District's request, extend the 5-year period of time upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give such district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the Board. In no event shall any extension of time exceed an additional 5-year period.

Section 8.21 | SECTION 8.20 | FEES PAYMENTS IN LIEU OF IMPROVEMENTS

A. ~~Escrow of Funds~~ Payment in Lieu of Improvements

When specific public improvements are required by the Board of County Commissioners and/or identified in the County's Capital ~~Investment~~ Improvement Program and/or any adopted Transportation Plan, ~~a fee based on the a payment in the amount determined by~~ cost of design, construction, and construction administration, may be collected in lieu of ~~the construction of improvements~~ construction required for a development. ~~The County may hold funds for up to seven (7) years.~~

A developer may request that this section be applied to a development. It is entirely at the discretion of Mesa County whether to allow for a payment arrangement under this section.

B. ~~Use of Funds~~ Agreement Required

If both Mesa County and the developer agree to allow for a payment under this section, a separate written agreement shall be required that sets forth the terms that are agreed upon by the parties. The agreement shall set forth the terms of the payment, including describing which specific improvements are subject to

~~the agreement, the total amounts that will be paid, and any other details the parties deem necessary to achieve the intent of this Section. Any such agreement shall be generated in a manner so as to work in harmony to the maximum extent possible with the other provisions of this Code.~~

~~At the discretion of Mesa County, if deemed necessary and appropriate, the finalized agreement may be recorded to memorialize its terms. Fees paid pursuant to this Section shall be deposited in an escrow account held by the Mesa County Treasurer. Fees shall be expended by Mesa County only to construct the specific improvement for which the fee was collected.~~

C. Credit Permitted Against Fee for Certain Off-Site Improvements

~~Any development shall be allowed credit against any fees or funds due under this Section for actual costs of any public improvements constructed by the applicant for the development at the request of Mesa County, which are not on or directly adjacent to land owned by the applicant.~~

D.C. Impact Fees

All traffic-generating developments are subject to assessment and payment of a Transportation Impact Fee (TIF). Transportation Impact Fees are based on one or more studies commissioned and approved by the Board of County Commissioners. The TIF Regulation (MCM 2004-107) was adopted by the BOCC on June 7, 2004. All requirements of MCM 2004-107 and any amendments shall be implemented through this LDC.

Section 8.22 | SECTION 8.21 | CONSTRUCTION STORMWATER CONSTRUCTION PERMIT

A. Purpose and Intent

It is the purpose of these regulations:

1. To protect and preserve surface water from pollutants associated with stormwater runoff.
2. To meet the terms of the Colorado Department of Public Safety permit regulations.
3. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges;
4. To establish legal authority to carry out all inspection, observation, and monitoring procedures necessary to ensure compliance with the regulations of this Section;
5. To promote public awareness of the hazards involved in the improper discharge of pollutants into the municipal separate storm sewer system;
6. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges from construction activity and development and to facilitate compliance with state and federal standards.
7. ~~To reduce pollutants in stormwater discharges from construction activities by regulating the design, construction, use, and maintenance of any development or activity that disturbs more than one (1) acre of land or is part of a larger common plan of development or sale. To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land that results in a disturbance of greater than one (1) acre or is part of a larger common plan of development or sale;~~
8. To require permanent stormwater quality runoff controls measures to be constructed along with development to prevent the deterioration of water quality;
9. To establish provisions for the long-term responsibility for and maintenance of structural stormwater quality control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and do not threaten public safety.
10. To establish timely and appropriate enforcement actions for violations of the regulations of this Section.

B. Methods

In order to accomplish their purposes and intent, the regulations of this Section include methods and provisions for:

1. Requiring a ~~Local Stormwater~~ Mesa County Construction Stormwater Permit as identified in the

Stormwater Management Manual, when applicable.

- Require the installation and maintenance of permanent stormwater quality runoff controls [measures](#) to be constructed along with development to prevent the deterioration of water quality as identified in the Stormwater Management Manual, when applicable.

C. Applicability

- The regulations of this Chapter shall apply to all lands designated as an urbanized areas [or located within the Mesa County Growth Area, as defined by](#) ~~according to~~ the Colorado Department of Public Health and Environment [and the U.S. Census Bureau](#).
- No new development or redevelopment, which disturbs one (1) acre or more of land and disturbs less than one (1) acre but is part of a larger common plan of development, shall hereafter be allowed without full compliance with the terms of this regulation, the Mesa County Stormwater Management Manual, and other applicable regulations of the Land Development Code.
- Disturbance includes any activity that disturbs the soil on the site, including: grading, clearing, excavation activities, areas receiving overburden (e.g. stockpiles), demolition areas, and areas with equipment/vehicle traffic and storage that disturb vegetative cover.

D. Interpretation

In the interpretation and application of these stormwater regulations, all provisions shall be considered as minimum requirements, liberally construed in favor of the County, and deemed neither to limit nor repeal any other powers granted under State statutes.

E. Warning and Disclaimer of Liability

The degree of water quality protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based upon the engineering and scientific methods of Construction Stormwater Management Plan and the Drainage Report. This Section shall not create any liability on the part of, or a cause of action against the Mesa County Board of Commissioners or any officer or employee thereof, for any water quality damages that may result from reliance on this regulation or any administrative decision lawfully made thereunder.

F. Nonconformities

The existing lawful use of a structure or premises that does not comply with the stormwater regulations of this Section, may be continued. If the property is redeveloped, and disturbs an acre of land or less than one (1) acre but is part of a larger common plan of development, activities must conform with this Section.

G. ~~Construction Stormwater~~ **Construction Permit Conditions**

The Stormwater ~~Administrator~~ [Coordinator](#) shall require that the requirements of Section 1506.1 of the Stormwater Management Manual be adhered to. This Section covers the requirements of inspections, reporting, and changes to the Construction Stormwater Management Plan.

~~Section 8.23~~ | **SECTION 8.22** | INTERIM DEVELOPMENT POLICIES

A. Findings

The Board of County Commissioners may adopt by resolution Interim Development Policies, stipulating development standards and uses for properties in specific areas prior to availability of infrastructure and services. The purpose of interim development policies is to allow land owners some development potential while ensuring that development does not occur that cannot be adequately served by water, sewer, roads and other appropriate services and infrastructure.

B. Applicability to Development

All development within an area subject to an Interim Development Policy shall be required to meet all applicable standards and limitations set forth in the Policy.

C. Effect on Future Development

New development in an area subject to an Interim Development Policy shall be designed in a manner so as not to interfere with future development or redevelopment consistent with the Future Land Uses and Goals, Policies and Objectives of the Mesa County Master Plan.

1. As a condition of approval of any development in an area planned for urban development, a note will be placed on the site plan indicating that urban uses are planned for the subject property in the future as designated on the adopted Future Land Use Plan Map and referencing the adopted Policy Resolution number.

DRAFT

CHAPTER 9 | SIGNS**SECTION 9.01 | PURPOSE**

The sign regulations of this chapter are intended to promote traffic safety and to protect the visual appearance of the County. Signs placed by a governmental entity or approved to be located on public property or in public rights-of-way are exempt from this Chapter.

SECTION 9.02 | PROHIBITED SIGNS**A. The following signs shall be prohibited:**

1. Signs that contain statements, words, or pictures of an obscene or indecent nature.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words;
3. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
4. Signs that create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
5. Signs that contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background;
6. Signs that swing or otherwise move as a result of wind pressure because of the manner of their suspension or attachment; or
7. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills, except as may otherwise expressly be authorized by this section.

SECTION 9.03 | EXEMPT SIGNS**A. Signs That Do Not Require a Permit**

The following signs are allowed on a lot/parcel in any zone district:

1. One sign that is integral to or flush-mounted on a building or structure that is no greater than four (4) square feet in area.
2. Signs that cannot be read from street rights-of-way which inform or instruct customers or visitors on-site. This may include but is not limited to menu boards, directional signs, rear entrance signs and warning signs.
3. Temporary decorations or displays clearly incidental, customary and commonly associated with national or local holiday celebrations.
4. A sign that is not illuminated, not digital or electronic and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, with the following limitation:
 - a. On a parcel of less than one (1) acre, up to six (6) such signs are allowed, so long as each sign is not greater than six (6) square feet in area, except in that one of these signs may be up to thirty-two (32) square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - b. On a parcel of one (1) acre or larger, up to six (6) such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to thirty-two (32) square feet in area.

SECTION 9.04 | WIND DRIVEN SIGNS AND BANNERS

A. Standards

1. Banners and wind driven signs may be displayed for up to thirty (30) consecutive days up to four (4) times in a twelve (12) month calendar year. Permit periods may run consecutively.
2. All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
3. All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public rights-of-way.
4. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

SECTION 9.05 | DIGITAL OR ELECTRONIC SIGN

A. Standards

1. The maximum brightness levels for signs shall not exceed three tenths (0.3) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

TABLE 9-1: BRIGHTNESS STANDARDS	
Area of Sign (square feet)	Measurement Distance (feet from sign)
0 – 10	30
10 – 24	45
25 – 49	55
50 – 99	90
100 – 149	110
150 – 199	135
200 – 300	150

2. The measurement shall be conducted at least thirty (30) minutes after sunset or thirty (30) minutes before sunrise.
3. Interactive signs are prohibited.
4. All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

SECTION 9.06 | GENERAL STANDARDS FOR ALL SIGNS

The following requirements shall apply to signs in all zoning districts unless otherwise indicated.

A. Standards

1. Permits shall be required for all new signs except those Exempt Signs listed in [Section 9.03](#).
2. Maintenance, touch-up, repainting or repair of a legal sign shall not require a sign permit.
3. All signs shall be located on the same lot as the use to which it is associated, unless they qualify as off-premise signs under this section.
4. All signs shall be permanent in nature except for those signs allowed as Exempt Signs in under [Section 9.03](#).

5. The total surface area of one (1) sign face of free-standing signs, roof signs and projecting wall signs shall be counted as the maximum total surface area allowance. Off-premise signs shall not be counted in maximum square foot allowance.
6. Illumination of all signs shall comply with the following standards:
 - a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8 p.m. and 8 a.m.
 - b. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Department of Public Works.
 - c. No exposed reflective type bulbs or incandescent lamps which exceed forty (40) watts shall be used on the exterior surface of a sign.
7. Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.
8. Touching up, repainting or changing existing letters, text, symbols, graphics, or other content, that does not alter the existing sign area, is considered maintenance and repair and does not require a permit.

SECTION 9.07 | RURAL AND URBAN RESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Rural and Urban Residential zoning districts in accordance with the standards of this section.

A. Sign Types Allowed

1. A bulletin sign, not to exceed twenty-five (25) square feet per face, may be erected upon the premise of any public institution for the purpose of displaying the name of the institution and its activities or services.
2. One identification sign shall be allowed for each entrance to a subdivision, institutional or multi-family development, provided that:
 - a. Such sign shall not to exceed thirty-two (32) square feet per face;
 - b. If lighted, such sign shall utilize indirect illumination only.

B. Location

Permitted signs may be located anywhere on the property.

C. Height

The height of free-standing signs shall not exceed ten (10) feet. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.

D. Illumination

Only indirect or internal illumination shall be used for letter faces and logos.

SECTION 9.08 | AFT ZONING DISTRICT

The following signs shall be allowed for nonresidential uses in the AFT zoning district.

A. Allowed Sign Area

A total of thirty-two (32) square feet of signage shall be allowed for each nonresidentially used property. Total signage allowed may be divided between flush wall and freestanding signage. Allowed signage for uses that require approval of a Conditional Use Permit shall meet the standards set forth under [Section 4.03](#).

B. Flush Wall Signs

1. Flush wall signs may be placed on a building facade that faces a dedicated public street.

2. In the event a building does not have frontage on a dedicated public street, the owner shall designate the building façade where wall signs shall be located.
3. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display will not be considered part of the total sign allowance.
4. A maximum of two (2) flush wall signs may be located on a building facade.

C. Freestanding Signs

1. No more than one (1), twelve (12) foot high free-standing sign shall be permitted for any parcel on each street frontage.
2. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way. In the event that lots or parcels abut streets or roads without rights-of-way or inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan.
3. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.09 | NONRESIDENTIAL ZONING DISTRICTS

Signs shall be allowed in Nonresidential zoning districts in accordance with the standards of this subsection.

A. Signs Types Allowed

Signs in Nonresidential zoning districts may include flush wall signs, free-standing signs, projecting signs, and roof signs. All signs allowed in Rural and Urban Residential Zoning districts are also allowed in Nonresidential zoning districts.

B. Location and Size

Permitted signs may be located anywhere on the premises except as specifically restricted in this section. The total amount of signage to be allowed on any property shall not exceed the sign allowance standard of this section. No single sign may be larger than three hundred (300) square feet.

C. Flush Wall Signs and Roof Signs

1. The sign allowance shall be calculated on the basis of the length of the building facade which is most nearly parallel to the street it faces. Each building facade that faces a dedicated public street shall have its own sign allowance.
2. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building facade which shall be used for the purpose of calculating sign allowance. In the event the only building facade that faces on a dedicated street contains no commercial display area, a property owner may designate another building facade to serve as the basis for calculating the total amount of sign area allowed.
3. Up to two (2) square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. Flush wall signs may extend up to twelve (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. Window signs incorporated with a window display, will not be considered part of the total sign allowance.
4. If a flush wall sign and roof sign are used, the total sign allowance may be divided between the signs.
5. Roof signs shall be manufactured in such a way that they appear to be a part of the building with no visible guy wires, braces or secondary supports. Maximum height for roof signs shall be forty (40) feet above grade.

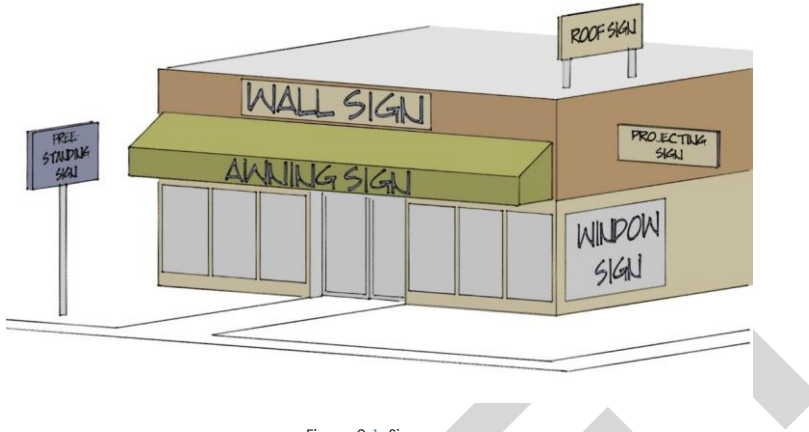


Figure 9-1: Signage

D. Projecting Signs

1. Signs may project up to six (6) feet from the face of the building if located eight (8) feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half (½) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve (12) square feet per face.
2. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half (½) foot for each linear foot of building frontage provided that it does not extend further than four (4) feet back of the curb face.

E. Freestanding Signs

1. No more than one (1) free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.
2. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in accordance with the following:

TABLE 9-2: FREESTANDING SIGN AREA STANDARDS		
Number of Traffic Lanes	Maximum Sign Face Area (per foot of street frontage)	Maximum Height
2	0.75	25
3+	1.5	40

3. Signs may be installed at street rights-of-way line but no part of the sign shall project into the rights-of-way line. In the event that lots or parcels abut streets or roads with inadequate rights-of-way, the street setbacks shall be measured as if rights-of-way had been established using the road classification in accordance with the adopted Circulation Plan. Single legs of one-way pairs shall be treated as four-lane roads.
4. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

SECTION 9.10 | PLANNED UNIT DEVELOPMENTS AND CONDITIONAL USES

Properties in an approved Planned Unit Development or part of an approved Conditional Use Permit shall have the

signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

SECTION 9.11 | OUTDOOR ADVERTISING SIGNS

A maximum of one (1) outdoor advertising sign, erected on the ground or affixed to a wall shall be allowed per parcel of land in the C-2, I-1 and I-2 zoning districts, subject to the following conditions:

A. Height Limitations

No outdoor advertising sign shall be erected higher than forty (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No outdoor advertising sign shall have a surface or facing exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area. Off-premise signs shall not be denied permits because of maximum size limitations for on-premise signs on the same parcel.

B. Distance

For each square foot of surface or facing of the sign, two (2) feet of space from adjacent outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred (600) feet to an existing three hundred (300) square foot sign.

C. Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

SECTION 9.12 | REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Director shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Director may cause the immediate removal of the sign and may assess the costs of the removal against the owner of the property.
2. The appearance and safety of all signs shall be maintained by the replacement of all defective parts and by periodic painting, repainting, cleaning and other acts required for proper maintenance.

B. Abandoned Signs

1. Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is "blank" and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.
2. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

CHAPTER 10 | NONCONFORMITIES**SECTION 10.01 | GENERAL****A. Purpose**

The purpose of this Chapter is to regulate uses, structures, improvements, lots, and other current circumstances that came into being lawfully but that do not conform to one or more requirements of this LDC.

B. Nonconformities Regulated

The regulations of this Chapter address the following types of situations, all of which are collectively referred to as nonconformities.

1. Nonconforming Uses

A "nonconforming use" is one that was legally established but which no longer complies with the use regulations that apply within the zoning district in which the use is located.

A use that was legally established without a Conditional Use Permit shall be deemed to have a Conditional Use Permit and shall not be deemed nonconforming solely because a Conditional Use Permit is now required for the use.

2. Nonconforming Structures

A "nonconforming structure" is a building, improvement, and/or structure, not including signs, that was legally established but which no longer complies with the dimensional or development standards that apply within the zoning district in which the building, improvement, or structure is located.

3. Nonconforming Signs

A "nonconforming sign" is one that was legally established but which no longer complies with the sign regulations of [Chapter 9](#).

4. Nonconforming Lots

A nonconforming lot is a tract of land, designated on a duly recorded plat, or by a duly recorded deed, or by other lawful means, that complied with the lot area, lot width, and other dimensional standards of the zoning district in which it was located at the time of its creation, but that does not comply with the minimum lot area, minimum width or other dimensional requirement of the zoning district in which it is now located.

C. Policies

1. Nonconforming Uses, Structures, Signs and Lots

a. It is the general policy of the County to allow uses, structures, signs, and lots that came into existence legally and in conformance with then-applicable requirements and do not have a negative impact on public health or safety, but that do not conform to all of the applicable requirements of this LDC, to continue to exist and be put to productive use while bringing as many aspects of the use or structure into conformance with the LDC as is reasonably practicable, all subject to the limitations of this Chapter. The limitations of this Chapter are intended to recognize the interests of the property owner in continuing to use the property in a safe and beneficial manner and allow changes and modifications to specified nonconformities, while working to reduce or eliminate nonconformities that may be detrimental to the public welfare.

b. Property owners shall be encouraged to pursue all remedies available within this LDC, including but not limited to Administrative Adjustments, Rezoning, Variances, or Subdivision in order to reduce or eliminate nonconformities.

2. Authority to Continue

Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.

3. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be on the owner, not the County ([Section 10.07](#)).

4. Maintenance

Normal maintenance required to keep nonconforming uses, nonconforming structures, nonconforming signs, and nonconforming lots in a safe condition shall be permitted, provided that no changes or expansion shall be made unless specifically allowed by this Chapter or allowed by law or ordinance.

5. Change of Ownership, Tenancy, or Management

Changes of ownership, tenancy, or management of an existing nonconformity shall be permitted, and in such cases the nonconforming situation shall continue to be subject to the standards of this Chapter.

6. Appeals

The Director's decisions regarding nonconformities as set forth in this Chapter may be appealed to the Board of Adjustment, in accordance with the provisions of [Section 4.02](#) of this LDC.

SECTION 10.02 | NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

A. Nonresidential Uses

1. Expansion

In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this LDC are met.

- a. A nonconforming nonresidential use shall not be expanded in any residential zoning district.
- b. Any expansion of a nonresidential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:
 - (1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection 2. below.
 - (2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Change of Use

The Director may approve a different use, provided such use is deemed by the Director to be less intense and/or have fewer negative impacts on public health or safety than the existing use. Prior to approval, the Director shall consider traffic generation, parking, and screening requirements for the new nonconforming use. No change to a more intense nonconforming use is allowed.

- a. A nonconforming use may be changed to a conforming use subject to the processes identified in this LDC.

3. Abandonment

A nonresidential nonconforming use that has been discontinued for a period of one (1) year, ~~period~~ for whatever reason, shall be considered ~~to be~~ abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this LDC. Evidence of intent to abandon is not required.

4. Relocation

A nonresidential nonconforming use may be moved in whole or in part to another portion of the property, provided the relocation will bring the use into conformance with applicable development standards or otherwise reduce the degree to which the use is nonconforming or impacts to neighboring properties.

5. Damage or Destruction

A nonconforming nonresidential use that is damaged or destroyed may be reestablished in accordance with the following:

- a. A use may only be reestablished within a conforming structure, except as may be permitted in [Section 10.03](#) of this chapter;
- b. All restorative and other work must be in compliance with current fire and building codes and other applicable regulations;
- c. A building permit must be issued within one (1) year from the date of the damage; and
- d. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.
- e. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the claim beyond the applicant's control.

B. Residential Uses

A "nonconforming residential use" is a structure or property that contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

1. Expansion

In all zones, a residential use may be expanded if no additional dwelling units are created and all other provisions of this LDC are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if all applicable provisions of this LDC are met. Accessory dwelling units shall not be permitted.

- a. Any expansion of a residential use that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:
 - (1) An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (2) below.
 - (2) For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area, as set forth in this LDC.

2. Abandonment

- a. A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of one (1) year, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this LDC. Evidence of intent to abandon the nonconforming use is not required.
- b. A nonconforming single-family dwelling that has not been occupied for a continuous period of one (1) year or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use, and unless reoccupying the structure poses a risk to public health and safety.
- c. Removal of a nonconforming mobile home or manufactured home, not in a mobile home park,

from its foundation or pad for a continuous period of one (1) year shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this LDC. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

3. Damage or Destruction

Nonconforming residential uses that are damaged or destroyed may be reestablished in accordance with the following:

- a. All portions of the structure being restored are not and were not on or over a property line;
- b. The number of dwelling units does not increase;
- c. All construction must be in compliance with current fire and building codes and other applicable regulations;
- d. A building permit must be obtained within one (1) year from the date of the damage; and
- e. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit.
- f. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Agricultural Uses

Agricultural uses, as defined in [Section 12.07 A](#), of this LDC, that are located in the Rural zoning districts shall not be deemed to have been abandoned regardless of how long the use has been abandoned.

D. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after the principle use is abandoned, damaged or destroyed and not reestablished according to this Section.

SECTION 10.03 | NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards.

A. Enlargement

1. Any expansion of a nonconforming structure that increases the degree of nonconformity shall be prohibited. Expansions of the structure that comply with applicable dimensional standards shall be permitted. (For example, adding to a building within the allowable setbacks when another part of the building is encroaching into a setback is permissible. Increasing the height of a building over the portion of a building that is encroaching in a setback would not be permitted.) The determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director.
2. Any expansion of a structure that is nonconforming with respect to parking, landscaping, screening/buffering or similar development standards shall be required to meet the requirements of this LDC as follows:
 - a. An increase less than twenty-five (25) percent of the existing structure shall not require any correction other than what may be required by fire and building codes or other applicable regulations. This allowance shall only be permitted once. All subsequent increases shall be subject to subsection (b) below.
 - b. For structures that are increased by twenty-five (25) percent or more, parking, landscaping and other requirements shall be provided proportionally for the increased area as set forth in this LDC.

B. Damage or Destruction

In the event that any nonconforming structure is damaged or destroyed, such structure may be reconstructed in accordance with the following:

1. All portions of the structure being restored are not and were not on or over a property line;

2. The number of dwelling units does not increase;
3. All construction is in compliance with current construction codes, such as the fire and building codes and other applicable regulations;
4. A building permit must be obtained within one (1) year from the date of the damage;
5. The certificate of occupancy (or other final inspection) must be issued within two (2) years of the issuance of the building permit; and
6. Deadlines for obtaining a permit and completing construction may be extended by the Director for up to one (1) year if the work is subject to delays caused by litigation, settlement of insurance claims, weather, or other conditions related to the loss beyond the applicant's control.

C. Relocation

Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance or closer to compliance with applicable dimensional standards.

SECTION 10.04 | NONCONFORMING LOTS

A. Uses

A parcel of land with an area or other dimension less than prescribed in the applicable zone may be used for any purpose permitted in the zoning district if:

1. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;
2. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner's control; and
3. The use meets all other regulations prescribed for the zoning district prior to occupancy or use.

B. Vacant Lots

Vacant nonconforming lots may be developed with uses permitted in the underlying zoning district, provided that they comply with the minimum setback standards of this LDC. If the underlying zoning district allows a variety of uses and one or more uses and intensities that would comply with applicable lot area, lot width, or other dimensional and development standards while others would not, then only the uses or intensities that comply with applicable dimensional standards shall be permitted.

C. Developed Lots

If a developed nonconforming lot is occupied by a building or structure, then the owner may continue the use of that building or structure in any way that does not increase the extent of nonconformity. An increase in building size shall not be deemed to increase the extent of nonconformity unless it encroaches into a required minimum setback, exceeds the maximum allowed height or otherwise violates a required zoning district intensity, density, dimensional, or development standard.

D. Dimensional Standards

Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district. If the owner is able to demonstrate to the satisfaction of the Director that there would not be sufficient area to build a structure on a nonconforming lot in compliance with the dimensional standards, the following alternative setbacks may be used:

1. Interior Side and Rear Setbacks
The minimum interior side and rear setback shall be permitted to be three (3) feet.
2. Street Setbacks
The minimum street setback shall be permitted to be twenty (20) percent of the lot depth.

SECTION 10.05 | NONCONFORMING SIGNS

A. Change of Copy; Repairs

Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs, and neon tubing replacement shall be permitted. Alterations to nonconforming signs that change the structure, character, or function of the sign shall not be permitted, except in accordance with [Chapter 9](#) of this LDC.

B. Discontinuance

Any nonconforming sign that ceases being used for a continuous period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the standards of [Chapter 9](#). Any nonconforming sign that pertains to a business or institution that ceases operation for a period of one (1) year or more shall not be reused for sign purposes until it is brought into full compliance with the sign regulations of [Chapter 9](#).

SECTION 10.06 | NONCONFORMITIES CREATED BY PUBLIC ACTION

When lot area or setbacks are reduced as a result of conveyance to a federal, state, or local government for a public purpose and the remaining area is at least seventy-five (75) percent of the required minimum standard for the district in which it is located, then that lot is deemed to be in compliance with the minimum lot size and setback standards of this LDC.

SECTION 10.07 | CERTIFICATION OF NONCONFORMING STATUS

Owners of nonconforming uses, structures, or signs may request a "Certificate of Legal Nonconforming Status" by filing an application with the Director in accordance with the "Written Interpretation" procedures of [Section 4.21](#) ~~Section 4.22~~. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, lot, or sign was established. The Director shall be authorized to require additional information if deemed necessary to permit an accurate determination. "Certificates of Legal Nonconforming Status" shall not be required. Once issued, a certificate shall be recorded with the Mesa County Clerk and Recorder, clearly identifying the land by parcel number and/or a legal description of the property. The certificate shall "run with the land;" and its status shall not be affected by changes of tenancy, ownership, or management.

CHAPTER 11 | VIOLATIONS AND ENFORCEMENT**SECTION 11.01 | RESPONSIBILITY FOR ENFORCEMENT**

The Director shall be responsible for enforcing this Land Development Code, unless otherwise specifically stated.

SECTION 11.02 | TYPES OF VIOLATIONS

Any of the following shall be a violation of this LDC and shall be subject to the remedies and penalties provided for in this LDC:

A. Use, Structure or Sign Without Permit or Approval

To place any use, structure, improvement, or sign upon land that is subject to this LDC without all of the approvals required by this LDC;

B. Activities Inconsistent with Land Development Code

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, improvement, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this LDC;

C. Activities Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LDC, without all of the approvals required by this LDC;

D. Activities Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

E. Activities Inconsistent with Conditions

To violate, by act or omission, any term, condition, or qualification placed by a Decision Making Body upon any permit or other form of authorization;

F. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this LDC;

G. Increasing Intensity of Use

To increase the intensity of use of any land, improvement, or structure, except in accordance with the procedural requirements and substantive standards of this LDC;

H. Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any notice required by this LDC;

I. Failure to Remove Signs or Other Improvements

To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this LDC, or for which the permit has lapsed.

J. Violation of National Flood Insurance Program (NFIP) Standards

To fail to be fully compliant with [Section 8.14](#) [Section 8.13](#), Floodplain Regulations, within this LDC. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is in violation of this LDC.

SECTION 11.03 | CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this LDC.

SECTION 11.04 | REMEDIES AND ENFORCEMENT POWERS

The County shall have the following remedies and enforcement powers:

A. Withhold Permits

The County may deny or withhold all permits, [clearances](#), certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this LDC, or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County, until the violation is corrected. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, [clearances](#), certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this LDC, until the violation is corrected. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization (as described in [Section 11.04 A.](#)), the County may grant such authorization subject to the condition that the violation be corrected.

C. Revoke Permits

Any development permit or other form of authorization required under this LDC may be revoked when the Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit;
2. That the development permit was procured by false representation or was issued by mistake; or
3. That any of the provisions of this LDC are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. Stop Work

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. Revoke Plan or Other Approval

Where a violation of this LDC involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), and after a public hearing, revoke the plan or other approval or condition its continuance on (1) strict compliance with this LDC; (2) the provision of security to ensure that construction is completed in compliance with approved plans, or (3) such other conditions as the Board of County Commissioners may reasonably impose.

F. Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this LDC, or of a permit, certificate or other form of authorization granted hereunder and may recover costs of any such action.

G. Abatement or Removal of Unapproved Activity

The County, pursuant to Section 30-28-124 of the Colorado Revised Statutes, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use and to otherwise restore the premises

in question to the condition in which they existed prior to the violation.

H. Penalties

The County may seek such criminal or civil penalties as are provided by Colorado law.

I. Other Remedies

The County shall have such other remedies as are and as may be, from time to time, provided by Colorado law for the violation of zoning, subdivision, sign or related LDC provisions.

J. Other Powers

In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Colorado law.

K. Continuation

Nothing in this LDC shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

SECTION 11.05 | REMEDIES CUMULATIVE

The remedies and enforcement powers established in this Chapter shall be cumulative, and the County may exercise them in any order.

SECTION 11.06 | ENFORCEMENT PROCEDURES

A. Non-Emergency Matters

In the case of violations of this LDC that do not constitute an emergency or require immediate attention, the Director shall give notice of the nature of the violation to the property owner, or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have thirty (30) days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance, and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters

In the case of violations of this LDC that constitute an emergency situation as a result of safety or public concerns, or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this Chapter without prior notice, but the Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

C. Enforcement Actions Involving Agricultural Operators

Before taking enforcement action to correct a violation of this LDC by any agricultural operator, the Board of County Commissioners shall direct the Agricultural Advisory Panel to investigate the alleged violation to determine whether a violation of this LDC exists, and whether the activity is protected under the County's Right to Farm and Ranch policy as "historical, traditional, legitimate and reasonable." The Agricultural Advisory Panel shall have fifteen (15) days to return its findings and recommendations to the Board of County Commissioners.

CHAPTER 12 | DEFINITIONS

SECTION 12.01 | GENERAL

A1-30, AE: (Flood Hazard Zone): Area of special flood hazards with base flood elevations determined.

AASHTO: American Association of State Highway and Transportation Officials

AH: (Flood Hazard): Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one and three feet, and with water surface elevations determined.

AO: (Flood Hazard Zone): Area of special flood hazards having shallow water depths (usually sheet flow) between one and three feet and with water surface elevations determined. Areas of alluvial fan flooding, velocities also determined.

Abut/Abutting: To physically touch or border upon; or to share a common property line or border.

Access: A way or means of approach to provide safe, adequate and usable physical entrance and exit to a property, use, or parking space.

Accessory Use: A use or structure that:

1. Is clearly incidental to and customarily found in connection with a principal structure or use;
2. Contributes to the comfort, convenience or necessity of occupants of the principal use; and
3. Is located on the same lot and in the same zoning district as the principal use.

Adjacent: Same as "abutting."

Adult Bookstore: Any establishment that sells or rents **Adult Material** including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices.

Adult Cabaret, Restaurant or other Business: A cabaret, restaurant or place of business that features topless or bottomless dancers, waitresses, waiters, or entertainers.

Adult Entertainment Establishment: Any establishment that conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to **Specified Sexual Activities** or **Specified Anatomical Areas** as an attraction to the premises, including but not limited to **Adult Bookstores, Adult Hotels/Motels, Adult Motion Picture Theaters, Adult Restaurants, Adult Cabarets or other Adult Businesses.**

Adult Hotel or Motel: Any hotel or motel in which the presentation of **Adult Material** is the primary or a principal attraction.

Adult Material: Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes or devices that are distinguished by their emphasis on depicting, describing or relating to **Specified Anatomical Areas** or **Specified Sexual Activities.**

Adult Motion Picture Theater: Any fully enclosed theater in which the presentation of **Adult Material** is the primary or principal attraction.

Agrioltaics: Agrivoltaics, agrophotovoltaics, agrisolar, or dual-use solar is the integrated use of land for both solar panels and agricultural production, such as crop or livestock production or pollinator habitats, underneath or adjacent to solar panels. [To qualify as a valid agricultural use, the property must demonstrate at least 24 months of verified commercial agricultural activity prior to the installation of the solar facility. Furthermore, this agricultural use must be maintained as continuous, commercial-based activity following the solar installation.](#)

Air Navigation Facility: Any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe take-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

Airport: Any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any

appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon however financed. Such facilities may also include land and buildings, together with all appurtenances necessary or convenient thereto for the accommodation or convenience of the public, whether or not the members of the public so accommodated are directly or indirectly engaged in transportation by air, including, but not limited to, parking, dining, recreational, and hotel facilities.

Airport Environs: The geographic area that is affected by the airport air traffic operations and defined on the basis of those lands immediately affected by the 65 Ldn and greater noise exposure area from the Airport Environs Overlay Maps. For purposes of conveyance of aviation easements, the airport environs shall also include the area identified as the Airport Area of Influence (Subdistrict A).

Amateur Radio: Radio communications, which are licensed or regulated as such by the Federal Communications Commission.

Animal - Nondomestic: An animal not normally adapted to live and breed in a tame condition (see **Animal - Exotic**).

Animal Confinement: Any building, corral, pen or other enclosure used for the feeding or care of 20 to 1,000 animal units. Any sorting pens, alleyways, milking parlors, shelters, scales, or other equipment and buildings directly related to the operation shall be considered accessory uses to the animal confinement.

Animal - Exotic: An animal introduced from another country not normally kept as a household pet or farm animal.

Animal - Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one litter, brood, or offspring is permitted, per household, per year.

Animal Unit: A unit of measurement used to determine the animal capacity of an animal-feeding operation containing one or more species of animals.

Animal Waste Collection System: A system, including pipelines, conduits, pumping stations, force mains, and all other construction, devices, appurtenances, and facilities, used for collecting or conducting wastes to an ultimate point for treatment or disposal.

Animal Waste Treatment Facility: An animal waste receiving facility designed to digest or alter animal waste either mechanically or biologically.

Antenna: Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). It does not include a "telecommunications support structure."

Apartment: (see Dwelling, Multiple-Family)

Architectural Metal: [Including but not limited to: steel, aluminum, copper, and zinc, fabricated into functional and decorative elements utilized for structural support and/or aesthetic features.](#)

Area of shallow flooding: A designated AH or AO zone with a one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Aviation Easement: An aviation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building that is partly or completely below grade.

Bed and Breakfast: A facility of residential character that provides sleeping accommodations and breakfast for hire on a day-to-day basis in which the proprietor resides.

Behind-the-meter: Means an energy resource that is interconnected on the property owner's side of the utility meter providing electric energy primarily to serve the property owner's loads.

Commented [WU108]: This is not a phrase that is used in the LDC.

Best Management Practices (BMP): Practical activities, procedures, or practices necessary for achieving minimum compliance with appropriate standards (e.g., air quality, odor, water quality, etc.).

Business Residence: Dwelling unit(s) on the site of a nonresidential use.

Building: Anything constructed, erected or placed, which requires a permanent location on the ground or is anchored to the ground, or attached to something having a permanent location on the ground. This includes, but is not limited to advertising signs (on- or off-premise), antennas, satellite dishes, wind generators, and buildings, whether for storage or occupancy. It does not include fences that are less than seven (7) feet in height, poles, lines or other transmission or distribution facilities of public utilities or services.

Building, Principal: The building or structure that is occupied by the principal use.

C.R.S.: Colorado Revised Statutes

Campground: An outdoor facility designed for temporary overnight accommodation in tents or shelters for recreation, education, or vacation purposes. A campground is a principal use of land in this LDC. Common accessory uses may include shower or toilet facilities or small retail sales of camping-related items operated solely for the benefit of those staying in the camping area.

Camping: The overnight use of camping equipment or facilities such as tents, tarpaulins or temporary shelters or the overnight use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Cemetery: Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

Channel: A natural or artificial low-lying area of perceptible extent, with a definite bed and banks, which confines and conducts continuous or periodic flows of water.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, preservation of environmentally sensitive areas or agricultural uses.

Co-location: The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities will take place at different times on different schedules under one plan. An example would be a commercial development with multiple separate buildings constructed over the course of multiple construction schedules.

Community Solar Garden: A solar power generating facility designed to produce electricity as defined in C.R.S 40-2-127. A community solar garden may include battery storage equipment as accessory equipment.

Conditional Letter of Map Revision (CLOMR): FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Confined Animal Feeding Operation: An agricultural operational unit that meets all of the following criteria: (1) is designed to confine more than 1,000 animal units, (2) animals are confined, fed, and maintained for 45 consecutive days or more between May 15 and September 15, (3) crop or forage growth is not maintained in the area of confinement, (4) a majority of the crops or forage used to feed the animals is not grown on the same property, and (5) generates an average of more than five truck trips per week transporting animals to or from the confinement area (see also, "**Animal Confinement**").

Concealed or Stealth: Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a Tower such as light poles, power poles and trees. The term Stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole Tower designs.

Conservation Easement: A Deed Restriction placed on property that restricts its owner to specific limited uses of the

property, typically agriculture or as passive, private open space.

Contributing: A building, structure, site or object located within a Historic District that has sufficient historic, architectural or cultural significance and physical integrity and is related by a pattern of physical elements or social and cultural activities to other properties within the Historic District, so as to add to the historic significance of the Historic District.

Cooperative Planning Area: An Intergovernmental Agreement between Mesa County, the Town of Palisade, the City of Fruita and the City of Grand Junction also commonly known as a Community Separator and Buffer Zone.

County Register of Historic Landmarks (County Register): A listing of significant historic places that represent the historical, architectural and cultural heritage of Mesa County and are worthy of recognition and preservation. Places may be a building, site, structure, object or district.

Decision Making Body (Decision-Maker): the entity (Board of County Commissioners, Planning Commission, other board or commission or department head) that is authorized to finally approve or deny an application or permit required under this LDC.

Dedication: The grant of an interest in property to the public for public use and benefit.

Deed: A legal document conveying ownership or other interests in real property.

Deed Restriction: A legal document, recorded with the County Clerk describing restricted activities on a property, which may or may not include a Conservation Easement.

Designated Floodplain: An area designated by official action by the Board of County Commissioners.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, or enlargement of any structure; and any mining, dredging, filling, grading, paving excavation, drilling operation or storage of equipment and materials.

Domestic Livestock: Those animals listed on the Table of Animal Unit Equivalents in [Section 6.04 B](#), Animals, within this LDC.

Driveway: A paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Duplex: Two dwelling units structurally attached, located on the same lot and designed to be occupied by two households living independently of each other.

Dwelling Unit: A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. ~~Buildings with more than one kitchen shall be considered multi-dwelling structures.~~

Easement: An interest or right in land owned by another that entitles its holder to a specific limited use which is reserved, conveyed or granted by the property owner to and for the use of the public, a utility, a corporation or other persons, without the transfer of fee title.

Electric Vehicle Charging Station: [A facility in which electric vehicle charging services are made available to the public or to a group of occupants or users of the property or development, including the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.](#)

Electrical Transmission Line: Means any electric transmission line and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of the transmission of electricity at 115 kilovolts or greater.

Energy Generation/Production Facility: A facility designed to generate electricity by the conversion of natural resources such as light, fossil fuels, nuclear or water which is directly connected to the utility grid supplying electricity serving a wide customer base without being connected to specific end-users.

FAA: Federal Aviation Administration

FIRM: Flood Insurance Rate Map

ft.: Feet

Commented [WU109]: This is an indicator of multiple units, however, there are many reasons why a dwelling unit might have more than one kitchen. This is why a definition of "Single Housekeeping Unit" was added.

Commented [WU110]: Required due to HB24-1173. Definition from DOLA Template County Land Development Code

Feedlot: See Confined Animal Feeding Operation.

Fence: A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property to screen premises or property from view or noise. A fence may be constructed of any material not otherwise prohibited herein, provided that the height of the fence is equal to or less than seven (7) feet and the thickness of the fence, excluding poles, posts, pillars, or columns less than sixteen (16) inches.

Field Office Headquarters for Oil and Gas: Land uses which provide central oil and gas field office facilities for operators of oil and gas wells, gathering lines, and gas processing and compression facilities. Oil and gas field office facilities are for the purpose of allowing these operators to locate and maintain personnel and equipment headquarters in close proximity to their areas of operations. These land uses may be allowed in locations in the more remote rural areas of Mesa County. Field office facilities include buildings with offices for employees, day rooms for unexpected overnight stays by personnel caused by unforeseen weather and operational circumstances (not for routine occupancy), temporary office space for employees and contractors, warehouses, outdoor storage of equipment, supplies, fuel and chemicals necessary for oil and gas field operations on the site, lay down yards, maintenance shops for vehicles, equipment and prefabrication of oil and gas facilities, and private communication towers and satellite dish communication equipment. This use is not intended to replace those uses more appropriately permitted under Oil and Gas Support Services.

Fill: A deposit of material or obstruction of any kind which is placed, stored, or dumped within an area subject to flooding.

Fire Protection District: A Fire Protection District within Mesa County is defined as one which has been recognized by resolution as per C.R.S 32-1-102 (2022) by the BoCC.

Flea Market: Commercial activities held in an open area or enclosed structure in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various individuals where goods are offered for sale to the general public by individual sellers. This does not include shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization. Flea markets are also known as swap meets, auctions or open-air markets or other similarly named or labeled activities. Garage sales, rummage sales, and events defined in [Section 6.05 B](#), are not considered to be flea markets.

Flood: Temporary rise in a watercourse, flow, or stage, that results in water overlapping its banks and inundating areas adjacent to the channel.

Flood Fringe District: The area within the 100-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

Flood Fringe: The area, other than the stream channel and floodway, which occupies the remainder of the 100-year floodplain, and receives shallower waters and less velocities, as defined by the Federal Emergency Management Agency.

Flood Insurance Study: An official report provided by the Federal Emergency Management Agency (Federal Emergency Management Agency) that includes profiles, the Floodplain and Floodway Boundary Maps, and the water surface elevation of the 100-year flood.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood of One Hundred Year Frequency (100-Year Flood): A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year, as determined by probability analysis of historical and hydrological data.

Flood Prone Area: An area adjoining a watercourse, which may be considered subject to flooding during the 100-year flood on the basis of historical information, topography, vegetation, and other naturally occurring indicators, but where precise dimensions of the 100-year floodplain have not been delineated by Flood Insurance Studies.

Flood Proofing: A combination of provisions, changes, or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

Flood Regulatory Area: That portion of the floodplain that is subject to inundation by the 100-year flood. This area may be divided into the **Floodway District** and the **Flood Fringe District**.

Floodplain: The floodplain is made up of three parts, the stream channel, the floodway, and the flood fringe, as defined by the Federal Emergency Management Agency.

Floodway District: That portion of the designated floodplain which is required to carry and discharge a 100-year flood without cumulatively increasing the water surface elevation more than a designated height at any point. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (.5) foot. Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Floor Area: Measurement in determining the minimum floor area of a building/structure. All measurements shall be made along the outside enclosing walls, except that the garage and carport areas shall not be included as a part of the required floor area.

Forestry: A land use which creates, conserves and manages forests and forest lands for the continuing use of both commodity and non-commodity benefits.

Forestry Support Services: Land uses which provide support service for forestry land uses in that they contract with private land owners and public land managers to harvest trees. Forestry support services' sites include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees. Wood grinding/chipping may be allowed as an accessory use.

Frontage: The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way.

Fuel Sales, Vehicle/Appliance: [A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles or certified tanks, or the principal use of land for an Electric Vehicle Charging Station, or a lot or portion of a property that includes a combination of those forms of vehicle/appliance fuel dispensing and electric charging facilities. Such an establishment may offer other convenience items for retail sale as a clearly secondary activity.](#)

Commented [WU111]: Required due to HB24-1173. Definition from DOLA Template County Land Development Code

Full Cutoff Light Fixture: A light fixture in which no more than two and one half (2.5) percent of its total output is emitted above ninety (90) degrees from the vertical pole or building wall on which it is mounted.

Greenhouse/Nursery: An establishment engaged principally in the cultivation of and sale of trees, shrubs, flowers, or other plants. Accessory uses may include but are not limited to the sale of materials commonly used for landscaping purposes such as soil, rock, mulch, packaged fertilizers or chemicals. The seasonal sale of locally produced fruits and vegetables (produced on the Western Slope) is permitted as an accessory use.

Grade: (a) The slope of a road, street or other public way, specified in percentage terms, and (b) The average elevation adjoining all the walls at ground level of the buildable area, i.e. the area conforming to all setback requirements, of a lot, tract or parcel of land.

Hazardous Substance: Any material as described in 40 CFR 300.5.

Hazardous Substance User: A nonresidential use that consumes or produces in the course of its activities, or as a byproduct of its activities, over 1,000 pounds of any hazardous substance within any one year.

Heavy Equipment: Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.

Historic District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Landmark: A building, structure, site, object or district that is of historic, architectural or cultural significance to the community, region, state or nation, and is so designated and listed on the County Register of Historic Landmarks.

Historic Resource: A building, site, structure, object or district that is listed on the County Register of Historic Landmarks, the State Register of Historic Properties, or the National Register of Historic Places.

Home Occupation: A business, profession, occupation or trade conducted for gain, conducted within a dwelling unit for gain or support by a resident of the dwelling unit.

Household: Any one of the following:

1. ~~A single person occupying a dwelling unit;~~
 2. ~~Any number of people occupying a dwelling unit as a single housekeeping unit; or~~
 3. ~~The number of persons occupying each dwelling unit described above shall not exceed the maximum permitted by the applicable building code or safety code or by any applicable state or federal law or regulation.~~
1. ~~One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or~~
 2. ~~A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit; or~~
 3. ~~Two unrelated persons and their children living together in a dwelling unit.~~

Commented [GM112]: HB24-1007 - Definition from DOLA Template County Land Development Code

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Junk: Used, old, or second-hand or scrap: machinery; dismantled machinery, equipment, vehicles, and parts; ferrous and non-ferrous metals; paper or paper products; fibers or fabrics; wood or wood products; tires or tire parts; manufactured rubber or plastic products; tools; appliances; implements or portions thereof; glass, clay, or porcelain products; trash or similar materials; cordage, building materials, dismantled machinery or other waste that has been abandoned from its original use.

Junk Yard: Any lot, site, yard, building, structure or other place, covered or uncovered, used for any one or all of the following purposes:

1. The collection, storage, keeping, abandonment or sale of junk whether of value or valueless.
2. The collection, storage, keeping, abandonment or sale of metal parts or scrap metals or any other scrap materials whether of the same source or kind; and/or,
3. The collection, storage, keeping, abandonment, wrecking, salvage, sale or exchange or abandonment of automobiles or parts thereof or of any other machinery or parts thereof, except as otherwise may be permitted in these regulations.

Kennel: Any place or premises used in whole or in part for the purpose of keeping, boarding, breeding or sale of domesticated dogs and/or cats in which six (6) or more domestic animals exist, and all of which exceed four (4) months in age, to include animal pounds and shelters.

Land Surveyor: A land surveyor licensed and registered in the State of Colorado.

Large Construction Project: Any project hauling four thousand five hundred (4500) tons of material within a one (1) month time frame.

Ldn: Interior Day-Night Average Noise Level

Ldn Contour: A line linking together a series of points of equal cumulative noise exposure based on the Ldn metric. Such contours are based on aircraft flight patterns, number of daily aircraft operations by type of aircraft and time of day, noise characteristics of each aircraft, and typical runway use patterns.

Letter of Map Revision (LOMR): FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lot: A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot Lines: The property lines along the edge of a lot or site.

Lot Line, Front: The shortest lot line of all street lot lines. If all street lot lines are the same length, then all shall be considered front lot lines.

Lot Line, Rear: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Lot Line, Side: Any lot line except a street or rear lot line.

Lot Line, Street: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.

Lot Area/Size: The total horizontal area included within lot lines.

Lot, Corner: A lot located at the intersection of and abutting two or more streets.

Lot Depth: The average distance from the front lot line to the rear lot line, measured in the general direction of the side lot lines, that is, from the direction the lot faces and is addressed by.

Lot, Double Frontage: A lot having a frontage on two streets that do not intersect at the boundaries of the lot, as distinguished from a corner lot.

Lot, Flagpole: A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole. The length of the flagpole shall be measured from the frontage line to the nearest point of intersection with the property line parallel or most nearly parallel to the frontage line. The area of the flagpole shall not be included determining the site area of a flagpole lot.

Lot Frontage: That dimension of a lot or a portion of a lot abutting a street right-of-way, excluding the exterior side dimension of a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot which is part of an approved plat, the map of which has been recorded in the office of the Mesa County Clerk and Recorder.

Lot, Reverse Frontage: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot Width: The distance between the side lot lines, measured at the required street setback line.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

Manufactured Home: Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401), which became effective June 15, 1976 (i.e. HUD approved). The structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 30 body feet in length, or, when erected on site is 360 or more square feet, and which is built on a permanent chassis and designed to be used for human occupancy with or without a permanent foundation and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park: A unified development of mobile home or manufactured home spaces arranged on a tract of land for the purpose of renting or leasing spaces or manufactured homes or mobile homes meeting the requirements of these regulations.

Manufactured Home Park, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1973, the effective date of the floodplain management regulations adopted by Mesa County.

Manufactured Home Park, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 18, 1973, the effective date of the floodplain management regulation adopted by Mesa County.

Manufactured Home Park, Expansion: The preparation of additional sites to an Existing Manufactured Home Park or Subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Mesa County Master Plan: includes the Mesa Countywide Land Use Plan, the Mesa County Land Use and Development Policies and other plans and policies adopted pursuant to C.R.S. §30-28-108 as elements of a Master Plan.

Mineral: An inanimate constituent of the earth, in either solid, liquid, or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material. This definition does not include surface or ground water useable for domestic, agricultural, or industrial purposes, nor does it include geothermal resources subject to regulation under C.R.S. §37-90.5-101 et seq. or oil and gas resources subject to regulation under C.R.S. §34-60-101, et seq.

Mineral Deposit: An area in which minerals are located in sufficient concentrations in veins, deposits, bodies, beds, seams, fields, pools or otherwise capable of economic recovery.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater.

Minor Entertainment Events: Events such as weddings, reunions or other social or business gatherings scheduled and held as a business enterprise on a property in a rural zone district. Activities may be held indoors and/or outdoors.

Mixed Use District: The Mixed Use District accommodates mixed use buildings with local retail, service and other uses on the ground floor and residential uses in the upper stories. The Mixed Use District also permits a mix of residential and retail/service uses in close proximity to each other.

Multi Family: ~~A building containing three or more dwelling units, designed for occupancy by three or more households living independently of each other. All of the units are located on one lot under one ownership with accessory uses limited to common office, laundry and recreational facilities used by the occupants. Also called an apartment. One or more buildings or portion of buildings on a single lot or parcel of land that contains three (3) or more individual dwelling units, where each unit is occupied by one household living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway. This use includes facilities that provide independent living services but that are not required to be licensed by the state of Colorado.~~

Municipal Separate Storm Sewer System: A conveyance or the system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, ditches, drainage inlets, catch basins, pipes, tunnel, culverts, channels, detention basins and ponds owned and operated by a municipality or county and designed or used for collecting or conveying stormwater that is not a combined sewer or used for collecting or conveying sanitary sewage.

N/A: Not applicable

National Register of Historic Places (National Register): The list of places significant in American history, architecture, archeology, engineering or culture on a national, state or local level, as designated by the Secretary of Interior. Places may be a building, site, structure, object or district.

Neighborhood Association: Any group that has filed required registration forms and map and description of its boundaries with the Director.

Commented [WU113]: The proposed language clarifies the current definition, which could be interpreted as allowing only one building in a multi-family development. The language is from DOLA Template County Land Development Code.

New Construction (Related to Floodplain Management): For the purpose of determining flood insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

No-Rise Certification: A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A No-Rise Certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Noncontributing: A property within the boundaries of a Historic District that has had substantial alterations, is not of sufficient age, or is otherwise deemed not historic and does not add to the historic character, significance or architectural integrity of the Historic District.

Nonresident Employee: Means an employee, business partner, co-owner, or other person affiliated with a home occupation, who does not live at the site but who reports to the site in person as part of the home occupation.

Nuisance Conditions: Means "public nuisance" as defined by common and case law.

Nursing Care Facility: [A licensed health care entity that is planned, organized, operated and maintained to provide supportive, restorative and preventative services to persons who, due to physical and/or mental disability, require continuous or regular inpatient nursing care.](#)

Commented [GM114]: Definition from Colorado Department of Public Health & Environment

Obstructions: Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification culvert, building, fence, stockpile, refuse, fill, structure or matter, in, along, across, or projecting into any drain way, channel, or watercourse, which might impede, retard or change the direction or flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where the 100-year flood may carry the debris downstream.

Occupied: The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

Off-Site Improvement: Any utility, paving, grading, drainage, structure or modification of topography which is, or will be located on property that is (a) not within the boundary of the property to be developed or (b) on or under any perimeter roadway surrounding the property to be development.

Onsite Wastewater Treatment System (OWTS): A septic tank, seepage tile-sewage disposal system, or any other approved on-lot sewage treatment device.

Open Space: An outdoor, unenclosed area, located on the ground, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

Open Space, Common: Open space within a development that is owned in common by a Property Owners' Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common Open Space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, and other recreation facilities may be counted as common open space.

Operator: The mineral estate owner, mineral estate lessee, drilling contractor, production company, or any party or parties acting on behalf of any of the above that has control or management of operations of the oil and gas well.

Ordinary View: A sight line from beyond the subject property within normal visual range by a person standing on a public sidewalk or adjacent property at non-elevated ground level [without the use of special tools \(i.e. telephoto lens, ladder, etc.\)](#).

Overburden: All of the earth and other materials which lie above natural mineral deposits of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, and also means such earth and other materials disturbed from their natural state in the process of open mining.

Parcel: An area of land described as one entity in a legal document and in the possession of, or owned by, or

recorded as the property of, the same person or persons. Not to be confused with a tax parcel.

Parent Parcel: [The original parcel or parcels prior to being divided into two or more smaller lots.](#)

Pasture: Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing. Fenced yards for dwellings cannot be used as pasture. Weeds (including plants which are not being planted, cultivated and watered or irrigated) cannot be used as pasture.

Areas where animals are tied or contained in a pen, corral or building are not considered pasture areas. Any rangeland or forested lands that can be used for grazing shall be considered pasture.

PUD: [Planned Unit Development](#)

Permanent Monument: Any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Physical Barrier: [An obstruction that impedes movement, access, or creates the inability to maintain the continuity of land use on a specific parcel.](#)

Plan, Concept: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail according to these regulations to indicate the suitability of the proposed subdivision.

Plat, Final: A map of a land subdivision prepared according to applicable laws of the State of Colorado and these regulations having the necessary affidavits for filing, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land.

Potable Water: Water which complies with all requirements of the Colorado State Health Department for drinking water and related to chemical and bacterial content and which, in addition, complies with other potability standards which may be imposed by the Board of County Commissioners, by resolution, from time to time.

Private Energy Facilities: [An electric generating of a residential or commercial building that generates electricity for use on-site not to exceed 120% of onsite usage. The facility may be ground or roof mounted. Ground-mounted systems shall comply with applicable codes, and shall be identified as an accessory structure.](#)

Private Utility: A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequences and need, such as electricity, gas, transportation or communication.

Property Line: The lines bounding the property.

Property Line Adjustment: A change in parcel boundaries that does not create additional parcels.

Property Owners' Association: A private, nonprofit corporation of property owners for the purpose of owning, operating and maintaining various common properties and irrigation facilities.

Province of an entity: [The service area or boundary of a utility or municipal district.](#)

Public Improvement: Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, drainage, public private utilities, parks or recreational, energy or similar essential services.

Public Purpose: A municipal, quasi-municipal (Public Improvement Districts, Title 32 & 37 districts, etc.) or governmental use established primarily for the benefit and service of the population of the community in which it is located. Private utilities, for-profit entities, non-profit organizations, cooperatives, and other organizations that provide a benefit or service similar to a publicly owned entity may also be considered a Public Purpose. This can include by way of example but not limited to, a fire or police department substation; dedication of land to public ownership for multi-modal transportation facility construction (such as trails); recreation and open space; public education; utilities; telecommunication facilities; irrigation and drainage facilities; or uses that provide a governmental function, activity or service for public benefit.

PUD: [Planned Unit Development](#)

Reclamation: The employment, during and after, an open mining operation of procedures reasonably designed to minimize as much as practicable and disruptive from the open mining operation and to provide for the rehabilitation of any such surface resources adversely affected by such opening operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent

beneficial use of such mined and reclaimed lands.

Reclamation, Final: That part of mined land reclamation that occurs after the mining activity ceases and completes the reclamation effort.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle, or all-terrain vehicle.

Registered Neighborhood Association: Any organization representing or purporting to represent a defined geographic region of the County and that has registered with the Director on forms available in the County Planning Office.

Regulatory Flood Protection Elevation: An elevation equal to the elevation level of the projected water surface during a 100-year flood.

Residential Occupied Structure: See Building, Principle see also Dwelling Unit.

Re-subdivision: A change in lot boundaries in a previously platted subdivision.

Review Body: the entity (County department head, board or commission) that is authorized to recommend approval or denial of an application or permit required under this LDC.

Rights-of-way (Easement): A strip of land, either public or private, recorded or apparent, for which rights of use exist.

Rights-of-way (Street): A strip of land dedicated by a recorded plat to the public, or a warranty deed with a qualifying statement, for which the interest is fee simple ownership.

Road: See Street

Rural Community: An area designated as a "Rural Community" in the Mesa County Master Plan.

Rural Planning Area: A rural area or a countryside is a geographic area that is located outside towns and cities. Typical rural areas have a low population density and small settlements. Agricultural areas and areas with forestry typically are described as rural (AF35, AFT, URR & RSF-E zoning districts).

SLD: School Land Dedication

SLD Fee: The fee in lieu of school land dedication imposed pursuant to this LDC.

Satellite Dish: An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

Self-Storage - Indoor: [A facility that rents out secure, enclosed spaces, also called "storage units," to individuals and businesses, usually on a short-term basis.](#)

Self-Storage – Outdoor: [A facility that rents out space, outdoors, for vehicles, motorcycles, RVs, boats, etc.](#)

Setback: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise expressly stated.

Setback, Street (see also Lot Line, Street): A setback extending along the full width of a street lot line between side lot lines and from the street lot line to the building line in depth.

Setback, Rear: A setback extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear setback depth shall be measured at right angles to the rear line of the lot.

Setback, Side: A setback lying between the side lot line and the nearest point of the building and extending from the street setback to the rear setback, or in absence of either such street or rear setback, to the street or rear lot lines. Side setback width shall be measured at right angles to the side lines of the lot.

Setback Line: A line or lines within a property defining the minimum horizontal distance required between a building/structure and property line.

Sidewalk: A paved surface area usually paralleling and separate from the roadway, used as a pedestrian way.

Sign: A structure or device designed or intended to convey information to the public in written or pictorial form.

Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both sign faces coincide and are parallel.

Sign, Awning, Canopy, or Marquee: See Sign, Projecting.

Sign, Digital or Electronic: Any sign that uses changing lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, Free-standing: A sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, Identification: Such signs shall refer only to the principal use of the lot upon which such signs are located.

Sign, Illuminated: A sign lit in any manner by an artificial light source.

Sign, Monument: A freestanding sign, generally lower in height and attached to the ground by means of a wide base of solid appearance.

Sign, Off-premise: A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, Portable: Any sign that is not permanently affixed to a building, other unmovable structure or the ground.

Sign, Projecting: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/awning/canopy/marquee sign.

Sign, Roof: Any sign erected upon, against, or directly above a roof or roof eave, or on top or above a parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Flush Wall: A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

Sign, Window: A sign painted, stenciled or affixed on a window, which is visible from the right-of-way.

Single-Family, Attached: One of two or more residential buildings, each of which is located on a separate lot and is separated from the others by common fire-resistant walls.

Single-Family, Detached: A building containing one dwelling unit, designed to be occupied by one household, entirely surrounded by open space on the same lot.

Single Housekeeping Unit: Generally characterized by a family-like social setting where common areas (e.g., cooking, eating, recreation and sanitation facilities) are jointly used by the residents.

Site Plan: A plan, prepared to scale, showing accurate and with complete dimensioning, the boundaries of a site and all other information required by these regulations.

Skyline: The visual line where the earth or vegetation and the sky seem to meet.

Small Engine Repair: Means an engine that powers equipment such as: lawn mowers, tillers, cultivators, trimmers, snow blowers, chain saws, pumps, generators, air compressors, outboard boats, snowmobiles, all-terrain vehicles, and ultra-light aircraft.

Specified Anatomical Areas: any of the following that are less than completely and opaquely covered: (a) human genitals and pubic region; (b) buttocks; (c) the human female breast or breasts to a point immediately below the top of the areola; and (d) human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities or Sexual Conduct: (a) human genitals in a state of sexual stimulation or arousal; (b) actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts that are prohibited by law; and (c) touching or fondling of the human breasts, buttocks, anus or genitals.

sq.ft.: square feet

Start of construction (for floodplain regulation): Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Register of Historic Properties (State Register): A listing of Colorado's significant cultural resources worthy of preservation for the future education and enjoyment of Colorado's residents and visitors. Properties listed in the State Register include individual buildings, structures, objects, districts and historic and archaeological sites.

Stream Channel: The area of the floodplain which carries the normal course of the watercourse.

Street: A public or private right-of-way which is used, or intended to be used for passage or travel of motor vehicles.

Structure: See Building.

Structure (for floodplain regulation): A walled and roofed building or manufactured home that is principally above ground.

Subdivision: Subdivision shall have the meaning given in C.R.S. §30-28-101.

Substantial damage (for floodplain regulation): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violation of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure."

TIA: Traffic Impact Analysis

Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a Tower or Antenna Support Structure.

Telecommunication Facility, Attached: An array that is attached to an existing building or structure, including utility poles, signs, water towers, and similar structures with any associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Telecommunications Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used solely to attach an attached telecommunications facility to an existing building or structure shall be excluded from this definition.

Temporary Shelter: The use of camping equipment or facilities such as tents or other manufactured fabric shelters that may include the use of temporary cooking and bedding facilities such as open fires, camp stoves and cots, bedrolls, hammocks or sleeping bags.

Tiny House: A single-household dwelling that is permanently constructed on a vehicle chassis; is not self-propelled; is designed for long-term residency; contains less than 400 square feet of gross floor area; includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home; is constructed to the International Residential Code as adopted by the Building Codes and Standards program of the Colorado Division of Housing; and has affixed to it a metal plate insignia certifying that it is built to those standards. This use does not include recreational park trailers (as defined in C.R.S. 24-32-902), or

Commented [GM116]: Definition from the DOLA Template County Land Development Code.

[recreational vehicles \(as defined in C.R.S. 24-32-902\).](#)

Tire, Used or Waste: An inflatable rubber or synthetic casing, or any part thereof, designed to be sealed to a wheel rim under pressure, which has been applied to a given purpose, or which has been discarded from its original use.

Tower: A self-supporting lattice, guyed or monopole structure constructed from grade which supports Telecommunications Facilities. The term Tower shall not include amateur radio operators' equipment, as licensed by the FCC.

Townhouse: Attached or semi attached dwelling, containing a single dwelling unit and located on a separate lot.

Turf: [Areas of continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and that, when regularly mowed, form a dense growth of leaf blades and roots.](#)

Turf, Artificial: Synthetic materials developed to resemble natural grass.

Turf, Functional: Turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, that may include playgrounds, sports fields, picnic grounds, amphitheaters, portions of parks, and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

Turf, Nonfunctional: Turf that is not functional turf. This term includes turf located in a street right-of-way, parking lot, median, or transportation corridor. The term does not include turf that is designated to be part of a water quality treatment solution required for compliance with federal, state, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied.

Urban Development Boundary: That area planned for urban land uses as depicted on the Future Land Use Plan Map in the Grand Junction Comprehensive Plan.

Urban Planning Area: A residential area which typically exhibits higher population density and smaller parcel sizes (URR, RSF-E, RSF, RMF, MU, B, C and I zoning districts).

Use: The purpose for which land or the building is designed, arranged or intended, or for which is or may be occupied or maintained; also any activity, occupation, business or operation which is carried on, in or on a structure or on a tract of land.

Vehicle, Inoperable: Includes but is not limited to any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

1. Absence of an effective registration plate upon such vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
3. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Vehicle, Unlicensed: Includes but is not limited to any car, truck, van, motor home, camper, trailer, motorcycle or other vehicle not bear or display proper and/or current proof of licensing from the state of license plate issuance.

Watercourse: A natural or man-made channel through which water flows.

Waters of the State: All streams, lakes, rivers, ponds, wells, impounding reservoirs, watercourses, springs, drainage systems, and irrigation systems; all sources of water such as snow, ice, and glaciers; and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, located wholly or partly within or bordering upon the State of Colorado and within the jurisdiction of the State of Colorado."

Water Surface Elevation: The height, in relation to the National American Vertical Datum (NAVD) of 1988 (or other datum where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Wildlife Fence: [A fence designed and built to keep animals from accessing roadways and agricultural properties. May also include design to funnel animal movement to safe crossing locations \(e.g., wildlife crossing structures\). The fencing may incorporate design features like barbless wire, appropriate heights for jumping or crawling, and visibility markers to prevent injury, entanglement, and habitat fragmentation depending on the needs of the fencing.](#)

Commented [WU117]: Required due to SB24-005. Definition from DOLA Template County Land Development Code

Zero Lot Line Development: Means a single-family detached development where the single-family dwellings do not have a common wall, but have one wall abutting a side property line.

Zoning District: A portion of territory of the County, within which certain uses of land, premises and buildings are permitted by a uniform set of regulations.

SECTION 12.02 | USE CATEGORIES

A. Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

C. Considerations Used in Categorizing Principal Uses

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

D. Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the Retail Sales and Service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

E. Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

F. Use of Examples

The "Examples" subsection of each use category lists common examples of uses included in the respective

use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.

SECTION 12.03 | RESIDENTIAL USE CATEGORIES

A. Group Living

1. Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the "Retail Sales and Service" and "Community Service" categories). Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the care givers also reside at the site or the site is staffed twenty-four (24) hours a day.

2. Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and parking of vehicles for occupants and staff.

3. Examples

The Group Living category is further broken down into the following specific uses:

a. Assisted Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, an Assisted Living Facility may include any of the following:

A nonprofit group home for the aged or an owner-occupied group home for the aged;

A state-licensed group home for the developmentally disabled; and

A state-licensed group home for persons with mental illness.

b. Treatment Facility

A residence for up to eight (8) unrelated individuals, ~~where~~ some or all of ~~whom the residents~~ are receiving on-site medical or psychological treatment, therapy, or counseling. The limit of eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Treatment Facility may include any of the following:

(1) A nursing home;

(2) A nursing facility;

(3) Institutions providing life care;

(4) A state-licensed group home for the developmentally disabled;

(5) A state-licensed group home for persons with mental illness;

(6) An adult day treatment facility; and

(7) A physical/mental rehabilitation home.

c. Small Group Living Facility

A residence for up to eight (8) unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living

activities. The restriction to eight (8) individuals is exclusive of staff. Provided that the use otherwise complies with this definition and size restriction, a Small Group Living Facility use may include, without limitation:

- (1) A family care home;
 - (2) A state-licensed residential child care facility;
 - (3) An adult foster home;
 - (4) A family foster home; and
 - (5) A receiving home.
- d. Large Group Living Facility
- Any residence for more than eight (8) unrelated individuals, and any residence for up to eight (8) unrelated individuals that does not meet the definition of "Treatment Facility," "Assisted Living Facility" or "Small Group Living Facility." Provided that the use complies with this definition and size restriction of this definition, a Large Group Living Facility may include, without limitation:
- (1) A secure residential treatment center;
 - (2) A shelter for homeless persons; and
 - (3) A group home including persons assigned to such home in lieu of being sentenced to a correctional facility, or upon their release from a correctional facility.
4. Exceptions
- a. Lodging where tenancy may be arranged for periods of less than thirty (30) days is to be considered a hotel or motel use and classified in the Retail Sales and Service category.
 - b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
 - c. Facilities for people who are under judicial detention and under the supervision of sworn officers are included in the Detention Facilities category.

B. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging ([Section 12.05 E.](#)).

2. Accessory uses

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies, parking of the occupants' vehicles, and accessory dwellings. Home occupations and accessory dwellings are accessory uses that are subject to additional regulations of this LDC.

3. Examples

Uses include living in single-family dwellings, duplexes, triplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units. Agricultural labor housing and temporary employee housing, which are intended to house workers on or near the site, may include self-contained dwelling units or shared facilities.

4. Exceptions

Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Lodging category.

SECTION 12.04 | INSTITUTIONAL AND CIVIC USE CATEGORIES

A. Colleges and Vocational Schools

1. Characteristics

This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree or professional certification. Colleges tend to be in campus-like settings or on multiple blocks.

2. Accessory Uses

Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial uses.

3. Examples

Examples include universities, colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, and business, trade, technical and vocational schools.

4. Exceptions

Martial arts, dance and music studios are classified as Office and Personal Service.

B. Community Services

1. Characteristics

Community Services are uses of a public, nonprofit, or charitable nature, generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

2. Accessory Uses

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

3. Examples

Examples include libraries, museums, senior centers, community centers, community gardens, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, columbariums and mausoleums.

4. Exceptions

- a. Private lodges, clubs and private or commercial athletic or health clubs are classified as Entertainment. Commercial museums are classified as Office and Personal Service.
- b. Parks are classified as Parks and Open Areas.
- c. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as Household or Group Living.

C. Day Care

1. Characteristics

Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are (3) three types of day care:

a. ~~Home-Based Day Care (Regular)~~

~~A home-based day care provides care protection and supervision for up to a certain number individuals established by the State of Colorado.~~

b. ~~Limited Day Care (Large)~~

~~A limited day care provides care protection and supervision for more individuals than a "Regular"~~

~~facility up to a number individuals established by the State of Colorado.~~

~~c. General Day Care~~

~~A general day care provides care protection and supervision for more individuals than a "Limited" facility.~~

a. Family Care Home, Small

A family child care home that provides care for 2 to 6 children or adults.

b. Family Care Home, Large

A family child care home that provides care for 7 to 12 children or adults.

c. Day Care Center

A center that provides care for more than 12 children or adults.

2. Accessory Uses

Accessory uses include offices, recreation areas and parking.

~~3. Examples~~

~~Examples include preschools, nursery schools, latch key programs and adult day care programs. "Child Care Centers," as defined in C.R.S. §26-6-102(1), are classified as "day care" uses under this LDC.~~

~~4.3. Exceptions~~

~~Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.~~

D. Hospitals

1. Characteristics

Hospitals include uses providing medical or surgical care to patients and offering overnight care.

2. Accessory Uses

Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

3. Examples

Examples include medical centers and hospitals.

4. Exceptions

- a. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
- b. Medical clinics that provide care where patients are generally not kept overnight are classified as Office and Personal Service.
- c. Emergency medical clinics not associated with a hospital are classified as Office and Personal Service.

E. Parks and Open Areas

1. Characteristics

Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

2. Accessory Uses

Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters and parking.

3. Examples

Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

F. Religious Institutions

1. Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

2. Accessory Uses

Accessory uses include Sunday school facilities, parking, caretaker's housing and group living facilities such as convents.

3. Examples

Examples include churches, temples, synagogues and mosques.

4. Exceptions

Elementary and secondary schools are classified as Schools. Colleges and other post-secondary schools are classified as Colleges and Vocational Schools. Child care other than that provided during church events is considered Day Care.

G. Public Safety Facilities

1. Characteristics

Safety Services are uses that provide public safety and emergency response services as well as detention facilities. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

2. Accessory Uses

Accessory uses include offices and parking. Accessory Detention uses also include recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

3. Examples

Examples of public safety facilities include fire stations, police stations, emergency medical and ambulance stations. Examples of detention facilities include prisons, jails, probation centers, honor camps, juvenile detention homes, reformatories and rehabilitation centers.

4. Exceptions

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

H. Schools

1. Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

2. Accessory Uses

Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and

before- or after-school day care.

3. Examples

Examples include public and private daytime schools, boarding schools and military academies.

4. Exceptions

Preschools are classified as Day Care uses.

I. Utilities, Basic

1. Characteristics

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission equipment.

3. Examples

Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; public and private water and sewage treatment facilities; regional stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit. Minor facilities are those that cover a small or limited area, or are underground.

4. Exceptions

- a. Services where people are generally present are classified as Community Services, Office and Personal Services, or Safety Services.
- b. Utility offices where employees or customers are generally present are classified as Office and Personal Services.
- c. Bus barns are classified as Warehouse and Freight Movement.
- d. Telecommunication facilities and support structures are classified as Telecom Facilities.

J. Utility Corridors

1. Characteristics

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

2. Examples

Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines and gas compressor and transfer stations. Minor facilities include above ground structures such as valves, pump stations, transformers and other equipment with that cover a small or limited area.

3. Exceptions

Utility corridors located within public rights-of-way are not included.

K. Utilities, Production

1. Characteristics

A facility designed and operated for the generation, and distribution of electricity which use fossil fuels, solar energy, hydroelectric energy, geothermal energy, nuclear, biomass energy or wind energy as a resource for the primary purpose of selling electricity generated to the electric power grid.

2. Accessory Uses

Accessory uses may include parking and control, monitoring, data or transmission or battery storage equipment and agrivoltaics.

3. Exceptions
 - a. Does not apply to on-site generation equipment when such use is an accessory use as described in Section 6.02 CC of this LCD.
 - b. Transmission lines, substations, and pipelines.
 - c. Utility production facilities with no occupied structures or full-time on-site employees are exempt from the requirements for potable water required in Section 8.09.

SECTION 12.05 | COMMERCIAL USE CATEGORIES

A. Retail Sales and Service

1. Characteristics

Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide offices, personal services or entertainment, or provide product repair or services for consumer and business goods.
2. Accessory Uses

Accessory uses may include offices, drive-throughs, services, repair, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
3. Examples

Stores selling, leasing, or renting consumer, home and business goods (including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, and stationery); food sales; sales or leasing of consumer vehicles (including passenger vehicles, motorcycles, light and medium trucks and recreational vehicles and equipment); wineries; retail plant nurseries; flea markets; and farmer's markets.
4. Exceptions
 - a. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
 - b. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as Wholesale Sales.
 - c. Wholesale plant nurseries are classified as Agriculture.

B. Office and Personal Service

1. Characteristics

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Personal service uses may also provide personal services, product repair or services for consumer and business goods.
2. Accessory Uses

Accessory uses may include cafeterias, health facilities, parking, other amenities primarily for the use of employees in the firm or building, drive-throughs, and storage of vehicles and materials associated with the business. Limited retail that complements the service being provided may be included as accessory to the primary use.
3. Examples

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, banks, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; emergency medical care not associated with a hospital; and blood-

collection facilities.

Examples of personal services include laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; martial arts studios; art, dance or music classes; taxidermists; mortuaries and crematoriums; private museums; repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; upholsterer; veterinarians; and animal care, grooming, boarding and training.

4. Exceptions
 - a. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
 - b. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and heavy trucks is classified as Industrial Service.
 - c. Commercial boarding stables are classified as Agriculture.

C. Entertainment

1. Characteristics

Entertainment businesses provide continuous recreation and entertainment-oriented activities and services. Entertainment businesses also include Major Entertainment Event uses, which are characterized by activities and structures that draw large numbers of people to specific events or shows and are generally of a spectator nature. Minor Entertainment Event uses are smaller special events such as weddings, reunions and similar social or business gatherings, held on a limited basis.
2. Accessory Uses

Accessory uses may include drive-throughs, concessions, parking, and maintenance facilities.
3. Examples

Entertainment businesses include restaurants, cafes and delicatessens; bars, taverns and nightclubs; adult entertainment; banquet, meeting and exhibition areas; indoor continuous recreation businesses (such as arcades, bowling alleys, skating rinks, play centers, health clubs, gyms, membership clubs and lodges, pool halls, dance halls, and indoor shooting ranges); and indoor theaters. Examples of Major Entertainment Event businesses include stadiums; sports arenas; coliseums; auditoriums; and fairgrounds.
4. Exceptions
 - a. Banquet halls that are part of a hotel or restaurant are accessory to those uses.
 - b. Uses such as dance studios and martial arts studios are classified as Office and Personal Service.

D. Recreation and Entertainment, Outdoor

1. Characteristics

Outdoor Recreation and Entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
2. Accessory Uses

Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
3. Examples

Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, miniature golf facilities, outdoor shooting ranges, amphitheaters, drive-in theaters, and zoos. Outdoor Major Entertainment Event uses are characterized by activities such as concerts, events and shows that draw large numbers of people, are generally of a spectator nature, and are located in an

outdoor venue.

4. Exceptions
 - a. Golf courses and driving ranges are classified as Parks and Open Space.
 - b. Publicly owned swimming pools are classified as Community Services.

E. Lodging

1. Characteristics

Lodging is the provision of rooms and temporary accommodations to individuals for a short term, typically with an average length stay of less than thirty (30) days.
2. Accessory Uses

Accessory uses include restaurants, bars, meeting and banquet halls, parking, spas and salons, laundry facilities, and recreation facilities and activities that are primarily for the use of guests.
3. Examples

Examples include hotels, motels, bed & breakfasts, resorts, cabins, lodges, campgrounds, camps and recreational vehicle parks.
4. Exceptions
 - a. In certain situations, hotels and motels may be classified as a Community Service use, such as short-term housing or mass shelter ([Section 12.04 B.](#)).
 - b. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as Vehicle Service.
 - c. Camping in an AFT zoning district that is not located in a campground and that meets the requirements of [Section 6.04 F.](#) is considered accessory to the residential use.

F. Parking, Commercial

1. Characteristics

Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
2. Accessory Uses

In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
3. Examples

Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
4. Exceptions
 - a. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 - b. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
 - c. Public transit park-and-ride facilities are classified as Basic Utilities.

G. Self-Service Storage

1. Characteristics

Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

Storage may be enclosed in a building (indoors) and/or may be located outdoors for vehicles and recreational equipment. Where only outdoor storage is proposed, access to storage area may be limited to employees only.

2. Accessory Uses

Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

3. ~~Examples~~

~~Examples include facilities that provide individual storage areas for rent, also called mini-warehouses, and outdoor storage of recreational vehicles, boats and other personal vehicles.~~

Commented [WU118]: Added a definition under Section 12.01.

4.3. Exceptions

a. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

b. The rental of trucks or equipment is considered Retail Sales and Service.

H. Vehicle Repair

1. Characteristics

Vehicle Repair firms service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

2. Accessory Uses

Accessory uses may include offices, sales of parts and vehicle storage.

3. Examples

Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.

4. Exceptions

Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage, are classified as Industrial Service.

I. Vehicle Service

1. Characteristics

Vehicle Service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.

2. Accessory Uses

Accessory uses may include auto repair and tire sales. Truck stops and travel plazas may include restaurants, hotels and similar uses serving the traveling public.

3. Examples

Examples include full-service, mini-service and self-service gas stations, truck stops and travel plazas, car washes, and quick lubrication services.

4. Exceptions

Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

SECTION 12.06 | INDUSTRIAL USE CATEGORIES

A. Industrial Service

1. Characteristics

Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

2. Accessory Uses

Accessory activities may include offices, parking and storage.

3. Examples

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; building, heating, plumbing or electrical contractors; delivery and dispatch services; printing, publishing and lithography; exterminators; janitorial and building maintenance services; propane, fuel, and oil storage and distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

4. Exceptions

Repair of personal goods and small appliances and equipment is included in the Office & Personal Service category.

B. Manufacturing and Production

1. Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

2. Accessory Uses

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

3. Examples

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments (including musical instruments), vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured homes.

4. Exceptions

- a. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Service.
- b. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

- c. Manufacturing that occurs in a small office-type setting is considered Office and Personal Service.

C. Warehouse and Freight Movement

1. Characteristics

Warehouse and Freight Movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory Uses

Accessory uses may include offices, truck fleet parking and maintenance areas.

3. Examples

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants (including frozen food lockers); storage of weapons and ammunition; major wholesale distribution centers; truck or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

4. Exceptions

- a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
- b. Mini-warehouses are classified as Self-Service Storage uses.

D. Waste-Related

1. Characteristics

Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses that receive hazardous wastes from others.

2. Accessory Uses

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

3. Examples

Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage and hazardous-waste-collection sites.

4. Exceptions

- a. Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill.
- b. Recycling drop-off stations (no on-site processing) are basic utility uses.

E. Wholesale Sales

1. Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

2. Accessory Uses

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

3. Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

4. Exceptions

- a. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Service.
- b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

SECTION 12.07 | OTHER USE CATEGORIES**A. Agriculture**

1. Characteristics

Agriculture includes activities that primarily involve raising, producing or keeping plants or animals. Normal farming and ranching activities such as grazing and crop and orchard production are a use by right unless specifically identified in this LDC, as described in the Mesa County "Right to Farm and Ranch" policy.

2. Accessory Uses

Accessory uses include dwellings for operators and employees of the use, animal training, retail and wholesale sales of products produced on-site, sorting and packaging of fruit and vegetables, "farmkill" of livestock, feed processing, equipment repair and maintenance; tasting rooms; vintner's restaurants; produce stands; agritourism (in accordance with Section 5.a below) and other activities that are secondary or minor parts of the operation but necessary functions of the operation.

3. Examples

Examples include breeding or raising of fowl or other animals; dairy farms; commercial boarding stables; farming, orchards, vineyards, truck gardening, forestry, forestry support services, tree farming; wineries, breweries and distilleries; agricultural support businesses; agricultural production greenhouses; aquaculture; and wholesale plant nurseries.

4. Exceptions

- a. Processing of animal or plant products that is the primary use of the operation on the premises are classified as Manufacturing and Production.
- b. Livestock auctions are classified as Wholesale Sales.
- c. Commercial riding academies, roping arenas and equestrian arenas are classified as Recreation and Entertainment, Outdoor. Personal arenas are an accessory use.
- d. Animal Care/Boarding/Sales, excluding boarding stables, are classified as Office and Personal Service.
- e. The keeping of exotic animals is considered Animal Care/Boarding/Sales.
- f. Retail plant nurseries are considered Landscaping Materials Sales, classified as Retail Sales and Service.
- g. Farmer's Markets are Retail Sales and Service.

5. Agritourism

As an accessory use to an agriculturally based operation or activity at a working farm, vineyard, orchard or ranch, conducted for the enjoyment, education, or active involvement of visitors that adds to the economic viability of the agricultural operation. Agritourism activities are accessory to, and directly supportive of the agricultural use on the property. Activities or frequencies outside of the

examples listed below and any use that is not accessory to the agricultural use on the property shall follow all other standards and requirements found in this LDC.

- a. Examples
 - (1) U-Pick orchard or farm.
 - (2) Truck and flower garden with direct sale to customers.
 - (3) Production, manufacture and direct sales of value-added products derived, in whole or in part, from produce grown on site.
 - (4) Outdoor events relating to the principle agricultural use:
 - (a) The allowed number of attendees shall be calculated as follows:
 - a. Up to twenty-five (25) attendees for the first two (2) acres and fifteen (15) additional attendees for each additional acre up to a maximum of two hundred-five (205) attendees; and
 - b. If the number of attendees is greater than allowed by the calculation above, the use shall be considered a Minor Entertainment Event;
 - (b) The allowed number of outdoor events will be:
 - a. Limited to 4 per month, not to exceed 24 per year, and
 - b. If the number of outdoor events is greater than allowed by the above, the use shall be considered a Minor Entertainment Event;
 - (5) Hayrides, pumpkin patches, mazes, etc.
 - (6) Experiential Lodging:
 - (a) Maximum number of lodging units shall be no greater than one (1) lodging unit per one (1) acre in agricultural production up to a maximum of ten (10) lodging units;
 - (b) Lodging shall be short-term, fourteen (14) days or less;
 - (c) Lodging units shall be exempt from standards listed in Section 6.02 E. of this LDC.
 - (d) Temporary portable toilets (port-a-potty) or approved pit or vault toilet(s) shall be provided and serviced regularly.
 - (e) A lodging unit may include, but is not limited to, tents with or without an established "platform", tipis, sheep wagons, yurts, RVs, tiny homes, cabins or camp and tent sites.
 - (7) Farm animal viewing and petting.
 - (8) Tours of grounds and facilities.
 - (9) Exhibits or other activities related to the principle agricultural use, as determined by the Director.
- b. Additional Standards:
 - (1) Sound generated by outdoor amplified music shall neither exceed sixty-five (65) decibels between the hours of 7:00am and 10:00pm nor sixty (60) decibels between the hours of 10:00pm and 7:00am, as measured at or beyond any of the property lines from which the noise is emanating.
 - (2) The use shall not interfere with normal agricultural practices or convert agricultural land to a non-agricultural use.
- c. The access provided shall be from a public road and shall meet all requirements of the Mesa County Design Standards.

B. Aviation and Surface Passenger Terminals

1. Characteristics

Aviation and Surface Passenger Terminals include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service and regional rail service.

2. Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

3. Examples

Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, and helicopter landing facilities.

4. Exceptions

- a. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basic Utilities.
- b. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

C. Mining

1. Characteristics

Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use regardless of whether or not the State of Colorado requires a Reclamation Permit for the activity.

2. Accessory Uses

Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

3. Examples

Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling, also included are support services for drilling or mining such as temporary employee housing; parking, storage and maintenance of exploration, production or workover equipment, pipe and production equipment; equipment and storage yards for road and pipeline construction contractors and production unit set-up and maintenance contractors; and field offices used by production related personnel.

D. Telecommunications Facilities

1. Characteristics

Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz, and operating as a discrete unit to produce a signal or message. Facilities may be ~~self supporting~~ self-supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

2. Accessory Uses

Accessory uses may include transmitter facility buildings.

3. Examples

Examples include broadcast towers, communication towers, point-to-point microwave towers and all FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

4. Exceptions

- a. Receive-only antennas and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.
- b. Radio and television studios are classified in the Office category.
- c. Radio and television broadcast facilities that are public safety facilities are classified as Basic Utilities.

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